

MTC-00032329

From: John Hatch
 To: Ms. Renata Hesse
 Date: 12/14/01 10:33am
 Subject: Microsoft Settlement
 John Hatch
 3105 Sea View Court
 Las Vegas, NV 89117
 December 14, 2001
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 John Hatch

MTC-00032330

From: Cleburne Medlock
 To: DOJvsMS
 Date: 12/14/01 12:18pm
 Subject: Microsoft Settlement

Sirs:

First, allow me to introduce myself briefly. I, C. W. Medlock, have worked in the "Software" field in a professional capacity for more than 47 years. (My first course in "programming" was taken in 1950 at Purdue University.) I have worked at such stalwarts of this industry as IBM (1960-1966), NCR (1975-1977), etc. At IBM, I was one of the six Architects of IBM's Operating System 360 ("OS/360"), one of the world's first true Operating Systems (1963-64). Also at IBM (1963), I was one of the six members of the joint IBM/SHARE (a users group) team that developed the advanced Programming Language One (PL/I) Although the latter language has fallen into disuse due to more modern advances in such "standard", non?-proprietary languages a COBOL, PL/I indeed was a most powerful language (for both scientific and business computing) that I believe set the stage for the more modern versions of COBOL and other more modern scientific computing languages.

I, from 1982 to 1999, was proprietor of my own software "home-business" Pro/Am Software, where I developed and marketed worldwide several software "tools" for use by the programmer. It was here, as a "lone survivor" of a great group of Information Age professionals, that I first encountered the threats laid down by Microsoft's failure to disclose much-needed facts that would allow entrepreneurs such as myself to develop tools that would directly or indirectly interface with their "Windows" Operating System. (This does NOT mean that I necessarily would have required the source code of Windows, but only a FULL disclosure of Microsoft's file formats, OS interfaces, details of invoking OS functions, etc. This should include such disclosure of these interfaces for all of Microsoft's other products which interface with Windows, as competitors and other users have a need for this information just as well.) A case might easily be made by Microsoft that they should have the full protection of their intellectual property such as source code, where distribution of same would allow many other (foreign?) businesses to easily make copies of same, and, via suitable modifications, each apply their own "Trademarks", "Copyright" notifications, etc. However, I cannot imagine a case in any court where it could be argued that it would be harmful to a legitimate, non-monopolistic business for them to disclose FULLY the interfaces needed by ALL users

(developers and ordinary users alike) to fully use and expand all features of Windows and all of it's associated Microsoft Products! (I can quote more than a few examples of where I and other developers were not able to obtain needed information about files and other data formats that were needed to allow us to develop products which would enlarge the capabilities of the Windows operating system, thereby seemingly even strengthening its place in the market.) Such a relatively "open architecture" has indeed been the norm with such stalwart operating-system providers as IBM, etc. (After all, the original IBM Personal Computer had even it's Hardware and Software totally in the public domain. Microsoft should at the very least provide the "circuit diagram" of their software, so that it could even be repaired more easily, including making expansions and improvements thereto!)

The provisions in any Settlement with Microsoft should NOT be limited to the interfaces with their Windows operating system, but should indeed include ALL interfaces (direct or indirect) with ANY Microsoft product. This is much needed by developers and many consumers, as well!

I would like to help put Microsoft in its proper place in the Software World, and see that the DOJ indeed does not "sell out" to MS!

Most sincerely,
 C.W.. Medlock

MTC-00032331

From: Jody Ausley
 To: Ms. Renata Hesse
 Date: 12/14/01 12:56pm
 Subject: Microsoft Settlement

Jody Ausley
 PO Box 780282
 San Antonio, tx 78278
 December 14, 2001
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jody Ausley

MTC-00032332

From: Nancy Emmert
To: DOJ
Date: 12/14/01 1:08pm
Subject: Microsoft settlement

There are only two things more disgusting than the proposed settlement between DOJ and Microsoft: one is the settlement proposed by the states not party to it and the other is that the suit was brought in the first place.

The very idea that the United States government should have been party to an attempt to deprive ANY party of rights to its' own intellectual property is disgraceful, disgusting and every other kind of "dis-" imaginable.

The only truly just judgment in this case is an order to have members of what they're now calling the "Liberty Alliance" strung up by their collective cajones., but that's probably not an available option.

Therefore, I respectfully ask for an end this economic roadblock and urge acceptance of the agreement submitted jointly by DOJ and Microsoft. The dissenting states and the economic terrorists ought to be told to take a hike.

Nancy Emmert ...

200 Roselawn ...
Coleman, Texas 76834-7012

MTC-00032333

From: Alden Ringer
To: Microsoft ATR
Date: 12/14/01 2:58pm
Subject: Microsoft Settlement

This message will be followed by a letter of the same content.

Alden C. Ringer
77 Brown Rd
Ctr. Tuftonbors NH 03816

MTC-00032334

From: Henry and Mrs. Arlene Carle
To: Ms. Renata Hesse
Date: 12/17/01 2:22pm
Subject: Microsoft Settlement
Henry and Mrs. Arlene Carle
6600 Downey Finch Lane
Anchorage, AK 99516-2413
December 17, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Henry and Arlene Carle

MTC-00032335

From: Mark Miedlar
To: Ms. Renata Hesse
Date: 12/19/01 2:03pm
Subject: Microsoft Settlement
Mark Miedlar
122 E. Cottage Ave
W. Carrollton, OH 45449
December 19, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Mark Miedlar

MTC-00032336

From: Philip Capps
To: Ms. Renata Hesse
Date: 12/20/01 10:12am
Subject: Microsoft Settlement
Philip Capps
4507 Ave B
Austin, TX 78751
December 20, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Philip Capps

MTC-00032337

From: Keith Gallup
To: Ms. Renata Hesse
Date: 12/21/01 11:32am
Subject: Microsoft Settlement
Keith Gallup
1707 Brandenbery Dr.
Surfside Beach, SC 29575-5478
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Keith Gallup

MTC-00032338

From: Charles Loeffler
To: Ms. Renata Hesse
Date: 12/21/01 11:49am
Subject: Microsoft Settlement
Charles Loeffler
7201 Wills Way
Hamilton, Oh 45011
December 21, 2001
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Charles E Loeffler

MTC-00032340

From: Tom Remshak
To: Ms. Renata Hesse
Date: 12/21/01 3:45pm
Subject: Microsoft Settlement
Tom Remshak
3250 n 87 st.
Milwaukee, WI 53222
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Tom Remshak

MTC-00032341

From: Adam Wiederholt
To: Ms. Renata Hesse
Date: 12/21/01 6:16pm
Subject: Microsoft Settlement
Adam Wiederholt
18228 Sunset Ln
Omaha, NE 68135
December 21, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Adam R. Weiderholt

MTC-00032342

From: Perry Staley
To: Ms. Renata Hesse
Date: 12/22/01 5:26am
Subject: Microsoft Settlement
Perry Staley
411 Orchard Street
Ironton, OH 45638-1166
December 22, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Perry L. Staley

MTC-00032343

From: Mury
To: kxrasmu@qwest.com@inetgw,kpuffet@uswest.com@inetgw...
Date: 12/22/01 3:44pm
Subject: Anti-competitive practices and Lies—Qwest and Microsoft

Dear Qwest, MN PUC, FCC, USDOJ, FTC, and MN AGO:

I am sitting here on December 22, 2001 steaming mad at Qwest and MSN (Microsoft). I should be out Christmas shopping, but I'm hardly in the holiday spirit. It seems as though by partnering with MSN Qwest thinks they have found a nice little loophole to circumvent all the trouble they have found themselves in in the past by using anti-competitive tactics in house.

As the MN PUC should recall they had to impose penalties against Qwest a couple years back for anti-competitive marketing, product pricing, treating their own Megacentral product differently than they treated other ISP's Megacentral product, and for lying to consumers. The PUC at that time penalized Qwest. A safeharbor number was set up for consumers to call run by a third party. Qwest had to provide free modems to ISPs and provide some coop marketing dollars to help correct the harm done. This hardly compensated us for our loses, but at least it brought Qwest, then US West, back in line.

Now they are up to the same antics, but they are getting around the system by

partnering with MSN. Qwest's web site is very misleading and their phone reps flat out lie about pricing and promotions.

(1) On their web site
<http://www.qwest.com/residential/products/dsl/index.html>:

Qwest starts out by favoring MSN with phrases such as, "Get MSN Internet Access or select from hundreds of ISP partners nationwide." Qwest makes it sound like customers will only get free activation and a free modem if they choose MSN.

"Special DSL Offers—Purchase MSN Broadband Powered by Qwest 256 or Deluxe and get FREE activation, FREE use of a DSL modem, and 30 days of FREE service. CustomChoice customers will receive 60 days of FREE service!*"

Markets a package that includes both MSN and Qwest:

"MSN Broadband Powered by Qwest 256 256K/Up to 256K Use for fast web surfing, e-mail and downloading moderate-size files. \$39.95 (Includes MSN Internet Access) Order Now "MSN logo included

And
"MSN Broadband Powered by Qwest Deluxe Up to 640K/Up to 256K Use for online gaming, e-mailing large attachments or downloading large files. \$49.95 (Includes MSN Internet Access) Order Now "MSN logo included We have asked for similar treatment and have been denied.

(2) When customers call in they are lied to frequently. I have enclosed a letter from a existing customer that was moving from one location to another who was told he would only get the promos if he chose MSN. He didn't want MSN so he is switching to cable. I have heard many other similar stories and there are probably countless cases we don't hear about.

(3) If a customer wishes to switch from MSN to us they process is different. Because the system is somehow tied into MSN's the customer first must cancel the service with MSN before they can even order it with us.

(4) The practice of delaying the install of MegaCentral lines for ISPs is still poorly managed at best and maliciously hampered at worst. We ordered a MegaCentral line for St. Cloud, Minnesota. On May 24th, 2001 we received an install due date of June 8th, 2001.

Order Number N91370107

Due Date 6-8-01

Circuit ID 14/HCGJ/95372//ACSO

The circuit was finally installed around October 20th, 2001. That's 4.5 months *overdue*. It is very important to note that this install was in a building that has a common wall with the Qwest CO and there was plenty of fiber running into the building. We selected this site so there wouldn't be problems like this and we are paying a premium in rent for the privilege.

We lost thousands of dollars and lost opportunity because of this. I believe these issues should be looked into by each of you. When we selected Qwest MegaCentral DSL as a product offering to base our services on we were promised we would be treated fairly. This has hardly been the case. I know Qwest thinks that because it's MSN and out of house they can get away with it, but if they are being compensated in the least out of the partnership they are certainly violating the

spirit of the MegaCentral contracts with other ISPs and any applicable tariffs.

As a special note to the US Department of Justice here is yet another example of Microsoft entering into preferred relationships that snub other competitors in the marketplace.

If any of you see this in my light and find Qwest is at fault, please apply a quick and effective punishment and provide for *real* compensation to be paid those of us who have been harmed.

Regards,
Mury Johnson
CEO
GoldenGate Internet Services
763-784-2800
Dear Golden Gate,

I just moved to a new address: 7124 W 113th St, Bloomington MN 55438 phone 952-941-0399. I was planning to transfer my DSL service to the new location. However, Qwest wanted to charge me an installation fee (\$66 or \$99) if I didn't use MSN, and the service would take up to 2 weeks to get running. On the other hand, RoadRunner (cable modem) would give me free installation and come out on the day we moved in. Their bit rate is faster and it costs \$5 less per month than DSL. So I decided to try RoadRunner. I appreciate the great service I received from Golden Gate, but I am sorry that I will not be needing it anymore. Could you please cancel my internet service? Thank you.

John C. Harkness (hark11)
CC:Microsoft
ATR,ASKDOJ,attorney.general
@state.mn.us@...

MTC-00032344

From: james m nordlund
To: Ms. Renata Hesse
Date: 12/23/01 5:32am
Subject: Microsoft Settlement
james m nordlund
p.o.b. 982
Lakin, KS 67860-0982
December 23, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from

continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
James M Nordlund

MTC-00032345

From: Kevin Langdon
To: U.S. Department of Justice Antitrust Division
Date: 12/23/01 10:18pm
Subject: Microsoft Settlement

To those in charge of the Microsoft settlement negotiations: I believe that nothing that has been done to date—specifically including the abandoned plan to separate Microsoft's operating system business from its applications business—has gone to the root of the problem, which is the existence of Microsoft's monopoly of the operating system business. This is not just market dominance but a situation in which meaningful competition for non-niche-market operating system business is effectively impossible.

Given the widely-reported chaos in the negotiations to date, it may be time to introduce a new solution.

There is a remedy that would be highly effective. It would make room for competitors

in the operating system market while also leaving Microsoft viable competitive strategies. What I propose is simply that DOS and Windows (through 98), including all source code, be placed into the public domain. Microsoft would be free to develop its Windows 2000 and XP lines, but other companies would be free to introduce competing developments from the common base of Windows98.

Please give this idea serious consideration.
Sincerely,
Kevin Langdon

MTC-00032346

From: Stephen Teebagy
To: Ms. Renata Hesse
Date: 12/26/01 11:14am
Subject: Microsoft Settlement
Stephen Teebagy
99 Garrett Place
Plymouth, MA 02360
December 26, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Microsofts behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Stephen Teebagy

MTC-00032347

From: JCCompton@aol.com@inetgw
To: gra-admin@memoriesofwunlight.org
Date: 12/26/01 2:27pm
Subject: Commentary on Microsoft settlement

I believe that the DOJ settlement is the best offer on the table for the United States as a whole.

Apparently the "other" states want to destroy Microsoft. Don't let this happen.

Despite the personal interest of the people at Oracle, Sun, et. al., Microsoft has propelled the microcomputer industry forward to a standard.

This benefits everyone (including people that don't own computers). I have been a professional programmer since 1989, and while I still prefer the Mac OS, I believe that especially with the current economy we need to SETTLE THIS CASE BASED ON THE DOJ RECOMMENDATION now.

Thanks,
-Chris C.
P.S.

Please tell Larry Ellison to shut up, and tell Sun to submit Java to a standards committee. (tell, not order)

MTC-00032348

From: Timothy Ray
To: Ms. Renata Hesse
Date: 12/27/01 2:05pm
Subject: Microsoft Settlement
Timothy Ray
616 S. Sheridan
Fergus Falls, MN 56537-3018
December 27, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Timothy Ray

MTC-00032349

From: Jerry Jorgensen
To: Ms. Renata Hesse
Date: 12/28/01 3:54am
Subject: Microsoft Settlement
Jerry Jorgensen
2505 Las Brisas Drive
Virginia Beach, VA 23456

December 28, 2001

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,
Jerry Jorgensen

MTC-00032350

From: Douglas Warren
To: Ms. Renata Hesse
Date: 12/28/01 4:55am
Subject: Microsoft Settlement
Douglas Warren
2 Flintstone Drive
Marlton, NJ 08053-2111
December 28, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Douglas A. Warren

MTC-00032351

From: Jan Hall
To: Ms. Renata Hesse
Date: 12/28/01 6:46am
Subject: Microsoft Settlement
Jan Hall
7984 Via Villagio
W. Palm Beach, FL 33412
December 28, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jan Hall

MTC-00032352

From: Mark Buell
To: "attorney.general@po.state.ct.us"
Date: 12/28/01 8:33am
Subject: Microsoft antitrust suit

Dear Sir or Madam;
I strenuously object to the current talk of settlement with Microsoft. They have consistently demonstrated that they are incorrigibly anti-competitive, and have consistently failed to honor the spirit, if not the letter, of previous settlements. I see nothing in the current settlement offered that shows me anything other than a continuation of the current monopoly situation.

Since I am also completely convinced that having the market completely change the operating ground rules every two years is not good for consumers, I am raising my voice to object to the DOJ-Microsoft settlement.

Regards;
Mark Buell
3814 Emerson Ave.
Memphis, TN 38128
mbuell@midsouth.rr.com
CC: "microsoft.atr@usdoj.gov"

MTC-00032353

From: L.D. Best
To: Renata B. Hesse
Date: 12/29/01 1:01pm
Subject: Suggestion

I learned long ago that I cannot know everything. I know a bit about how the "law" works because I've been forced to deal with it on my own, without an attorney. I know quite a bit about how computers work, because both my budget and my interests have had me building my own stuff. I also know quite a bit about how software works, and how/why some software doesn't work, because I've had a personal computer for twenty (20) years now. Much of the best software I have—or had—is no longer of much worth to me, because the companies who sold and supported it were either run out of business by Microsoft, or bought out so the software could be "incorporated" into

a Windows bundle ... thus making it unworkable. And being forced to move to Windows means that I've had to move from a '286 machine to a Pentium 4 1.4GHz machine ... a big jump that leaves the majority of the worlds' population unable to make it.

My suggestion is that when it comes to software and computer systems and fairness of any settlement, lawyers do NOT know enough to make the decisions. There are still a few software companies around who might be able to give attorneys a better view of what software should and shouldn't do, what system integration should and should not be, what exclusionary practices should be considered as ongoing monopolistic activities. And there are, of course, "the open source people"—not exclusively Linux—who could explain more clearly the dangers of continuing to allow Microsoft to determine what its punishment should be.

Microsoft's business practices, and the current "settlement" as proposed, are horribly dangerous... and that is NOT a flagrant exaggeration. They released Windows 2000 while publicly admitting there were at least 1,000,000 bugs they didn't want to bother to fix; they released WindowsME with a blare of trumpets, and within weeks were telling any and sundry to NOT upgrade to ME because of too many problems; they released WindowsXP with a promise of the best security and safety of any release to date—and now are having to face the fact that it offers what is possibly the worse system security breach ever found in any software ever used! But that is not the only danger. Because of the way Microsoft has done, and continues to do, business with advertising and hype to grab the public and scores of lawyers to assist in the "legal" theft of the intellectual properties of others, scores of good companies doing good work producing excellent software have been driven out of business, and tens of thousands of people have lost their jobs in the last ten years ... all directly as a result of Microsoft. To allow Microsoft to continue to exert so much influence, to effectively encourage Microsoft to continue doing what they have always done, is going to negatively impact an economy which is still so badly shaken up that no one with ethics would even attempt to forecast what will happen in the next year.

And DOJ has to realize that Microsoft can never be judged by "a jury of peers" because no other commercial enterprise in the history of the world ever managed to get such a stranglehold on the economy of multiple nations; the railroad monopolies, the steel monopolies, the "good ol'" boy clubs" of the last two centuries are all child's play compared to Microsoft. And the "power of the dollar" that Bill Gates himself wields is without equal, or even reference points ...

If the proposed settlement is not scrapped, and the original remedies ordered not implemented, DOJ is effectively placing the security and the economy of our country into the hands of Microsoft.

Not only is that bad business, it's un-Constitutional IMNSHO.

Most sincerely,
l.d.
L.D. Best

Concerned Citizen
Computer Geek
Disabled Veteran
Mother of Three Ethical Children [maybe 2.5?]
Arachne V1.70;rev.3, NON-COMMERCIAL copy, <http://arachne.cz/>

MTC-00032354

From: betty mayes-petty
To: Ms. Renata Hesse
Date: 12/30/01 4:56am
Subject: Microsoft Settlement
betty mayes-petty
route 1 box 231
cunningham, ky 42035
December 30, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Betty S. Mayes-Petty

MTC-00032355

From: JAMES CROSSLIN
To: Ms. Renata Hesse
Date: 12/30/01 6:43am
Subject: Microsoft Settlement
JAMES CROSSLIN
15523 Chickamauga Ave.
Baton Rouge, LA 70817
December 30, 2001
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot

retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
JAMES E. CROSSLIN

MTC-00032356

From: ben@verizon.net@inetgw
To: Microsoft ATR
Date: 12/30/01 8:12pm
Subject: my 2 cents worth

This settlement is a joke. It allows Microsoft to tie up in litigation new battles until the founder grows old and dies. With this settlement, Microsoft will continue their deceitful practices. Any deviation will take months or even years to settle in a court of law.

Example:

Microsoft puts out information for developers that allow them to use part of the Windows Operating system to develop a product. This is a normal part of any OS development business. Here is what will happen, Microsoft will later change the OS which prevents the developers product from working—while conveniently, however; the new and upgraded OS has a microsoft version of the developers middle ware that works just fine.

This is another way to stamp out competition. If anyone thinks that settlement is fair, it is not. This method of working can only be compared to a drug dealer. The first few are free, suddenly your addicted and its a must have in order to operate.

We have grown dependent on software as a means to operate in our everyday lives.

Microsoft will only tie everything up in court for ever. Here's a good "pin prick" for Microsoft.

Require Microsoft to buy for low income schools competing software of the Schools choice—the choice can NOT be any Microsoft product.

Have it be equivalent to the amount of money damage caused thus far.

How about a billion dollars. No sweat to Microsoft.

Use ANY competing companies—Apple, IBM, SUN, Linux, etc.

PS—Don't let Microsoft gain any money by investing in the companies that it is competing with.

Good Luck!

I'm glad your prosecuting and I hope the US wins.

Ben

MTC-00032357

From: Tdpage@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 9:13pm
Subject: Microsoft Settlement

This suit was ill advised from the start. Settle NOW!

Don Page
Dragoon, AZ

MTC-00032358

From: Don Stults
To: Microsoft ATR
Date: 12/31/01 9:49pm
Subject: Microsoft Settlement

In my opinion, the litigation against Microsoft should cease. I have a difficult time understanding why the case was litigated. There seems to be a "punish the proficient" attitude in this case. Microsoft has invested a lot of money to develop products CONSUMERS WANT and they have accepted ALL the market risks (sales, worldwide copyright infringement, and yes, competition).

Let Microsoft get on with their business (which they do well)...the continuing litigation expenses will NOT be paid by Microsoft, it will be paid by consumers of their products. Don Stults donstults@hotmail.com

MTC-00032359

From: Bob Levittan
To: Microsoft ATR
Date: 12/31/01 9:58pm
Subject: Microsoft Settlement

Settle it NOW!!!! Don't let this travesty continue. From the very beginning, this whole thing has been about Sun, Netscape, AOL et al, using litigation as a means to compete. END IT NOW! STOP WASTING MY MONEY! SPEND MORE TIME TRYING TO MAKE OUR LIVES SAFER. STOP WASTING TIME AND MANPOWER!

END IT NOW!

Bob Levittan
50 Cliftwood Drive
Huntington, NY 11743

MTC-00032360

From: Donald Hetrick
To: Microsoft ATR
Date: 12/31/01 10:30pm
Subject: Microsoft Settlement

Please record my support to finally settle the endless litigation against Microsoft. I find the current settlement harsh, but feel its fine if it can finally be concluded so our country can move on.

Thank You,
Donald J. Hetrick

MTC-00032361

From: tobeyd
To: Microsoft ATR
Date: 12/31/01 10:32pm

Subject: Microsoft Settlement

Hello,

I've been working as a software developer since 1964.

In my opinion, Microsoft has attained their current position is because—

(1) They listen to the requests of Computer Users.

(2) They develop quality solutions based on Users requests.

(3) They provide an integrated platform for Independent and Corporate Developers to provide effective solutions for their clients.

Imagination and Innovation are the keys.

Thanks,
David Drake

MTC-00032362

From: Kaveh Mofidi
To: Microsoft ATR
Date: 12/31/01 10:48pm
Subject: Microsoft Settlement

MTC-00032363

From: Rick Weyenberg
To: Microsoft ATR
Date: 12/31/01 11:18pm
Subject: Microsoft Settlement
Settle now!

MTC-00032364

From: Miriam A. Detert
To: Microsoft ATR
Date: 12/31/01 11:32pm
Subject: Microsoft

This entire case is the most unjust case your so called Justice Department has ever taken . You are prosecuting an innocent man and company. They have done more for this country than anyone in many, many years.

Miriam A. Detert

MTC-00032365

From: JRob98@aol.com@inetgw
To: Microsoft ATR
Date: 12/31/01 11:51pm
Subject: Microsoft Settlement

The Microsoft settlement is harsh, and more than enough penalty for Microsoft. Prolonging this only benefits a few special interests, for their own greed. AOL is prime for a monopoly investigation, and is campaigning for more against Microsoft to benefit their own interests. The few states protesting were only being more greedy than the rest, looking for a free ride on someone else's money. No one is forced to buy Microsoft or use IE, but do because it is a better product.

Leave them alone.
Jan Roberts

MTC-00032366

From: paulw@att.net@inetgw
To: usdoj
Date: 1/1/02 8:15am

Morning,

I am not a big fan of Microsoft. But I will say this take Microsoft and close it down (split it up)how many thousands of people who work for Microsoft lose their job. How many on the outside of Microsoft will lose their job.

The affects of September 11 are felt world wide. People can no longer work because of the changes made to every industry and business. Now we want in the name of

fairness to break up Microsoft. Why because the competition hasn't got the courage to go out and face Microsoft without the governments help.

When it comes to law I don't expect much. It seems who ever has the smarts to make money and be forward thinking will always be open to attach by the greedy and the supposed do gooders (government and lawyers) of this world.

Only in America a country of which I am proud to be a part can the minority change the way of life for the majority. Only in America can one person change a system that can affect thousands even if the thousands don't want the change.

I hear reference to the constitution all the time. But has anyone lately ever truly read it. I don't think so. Every time someone doesn't like something they point to the constitution and say my rights are not being given to me.

As I said at the beginning I am not a fan of Microsoft. Do I use their products? Yes some and others no. That's because as an individual I have choices and if I choose not to use something I can turn it off or not buy it.

Yet the courts and the government in their do good way wish to take choices away from the people and pass laws that say we must use this product or that product.

Freedom of choice on my part I don't think so. Freedom of choice something the government and the courts have forgotten about. They now make the choices for us citizens and there in lies the basic causes of all our problems today.

I know the courts and the government will disagree with me as they must to ensure that they have positions of power and control. Common sense which was once used in this country on a daily basis has been replaced by greed, personal wishes and power of the few (in politics and law) over the many and is supported by the government and the courts.

There are more important things to worry about in our country and the world today. Leave Microsoft alone and let's get this country back on its feet.

Paul

MTC-00032367

From: Tom@Abacurial.com@inetgw
To: Bruce Gladstone
Date: 1/1/02 6:59pm
Subject: Re: Settlement

Dear Bruce,

Even the MS-only software donated to underprivileged schools? Some penalty! It's like requiring an over-aggressive religion to distribute its catechisms to poor people.

Now, if they required MS to distribute & support Linux or BSD or Corel or Netware, perhaps I would believe it was a "penalty" and not government-sanctioned self-promotion.

Tom

On Tuesday, January 01, 2002 at 13:53, Bruce Gladstone

<brucegl@pacbell.net> wrote re "Settlement" saying: I am thoroughly in agreement with the settlement reached by Microsoft and the Justice Department. I believe the continuing objections by the State's Attorneys General are politically

motivated and are not designed to benefit consumers in the slightest. This is especially true of Atty. Gen Lockyear in my home state. It is no coincidence that both Sun and Oracle are California Corporations, both would much rather not compete with Microsoft based server applications and database software and both were significant contributors to Atty. General Lockyear.

- Bruce

Bruce Gladstone
email: brucegl@pacbell.net
3937 Sumac Dr.
tel: (818) 986-2950
Sherman Oaks, CA 91403
fax: (818) 981-5922

———— Quidquid latine dictum sit, altum videtur

——@Tom A. Trottier +1 613 860-6633
fax:231-6115

——\—<,758 Albert St.,Ottawa ON Canada
K1R 7V8

(*!/*)ICQ:57647974 Tom@Abacurial.com
N45.412 W75.714

Laws are the spider's webs which, if anything small falls into them they ensnare it,

but large things break through and escape.

—Solon, statesman (c.638-c558 BCE)

I believe there are more instances of the abridgment of the rights of the people by the gradual and silent encroachments of those in power than by violent and sudden usurpations. -James Madison, fourth US president (1751-1836)

CC:Microsoft

ATR.attorney.general@po.state.ct.us@inet...

MTC-00032368

From: Dale E. Anderson
To: Ms. Renata Hesse
Date: 1/2/02 6:38am
Subject: Microsoft Settlement
Dale E. Anderson
814 West Third Avenue
Garnett, KS 66032-2002
January 2, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Dale E. Anderson

MTC-00032370

From: Cardiodude@aol.com@inetgw
Date: 1/2/02 11:06am
Subject: Microsoft Settlement.

I'm all for the present Microsoft settlement, I don't think they were a monopoly, I think it was a liberal witch hunt.

MTC-00032371

From: Intlglstc@aol.com@inetgw
Date: 1/2/02 11:25am
Subject: Microsoft Settlement

Gentlemen:

When is enough, enough? I think it may very well be when I see more and more tax dollars go down the tube to persecute a business and with no perceptible gain to me or the general public. It seems to me that my dollars are being used to assist other major corporation executives line their pockets. I was under the impression that a satisfactory settlement had been reached. I guess also the attorneys must feel that there is more to be gained by the hours charged for continuing litigation. Let them go back to chasing

ambulances and let Microsoft's competitors go to marketing their own products for their profits.

Donald S. Chakas
610 W. Pacificview Drive
Bellingham, WA.

MTC-00032372

From: w—engstrom
To: Microsoft ATR
Date: 1/2/02 1:27pm
Subject: Microsoft Settlement

Dear Sirs,

Instead of being harassed by the U. S. Government, Microsoft should be considered as a National Treasure. Its exported products help our economy and expand our capabilities. I think that the court case against Microsoft was totally unfounded. Whatever concessions that Microsoft makes are more than adequate, and in my opinion should not even be necessary. While there are those people (mainly Microsoft's competitors) who want to suppress Microsoft, we believe that Microsoft provides great products and follows up with great support for those products.

Microsoft's products are sometimes released with "bugs." However, Microsoft readily provides fixes via the Internet as soon as they realize there is a problem. Their customer support is outstanding. As an engineer, I recognize that few products that hit the marketplace can be perfect, and that it is impossible to foresee everything that can go wrong, no matter how well you plan. In spite of this, Microsoft does a great job and has provided significant support to the technology and economic health of the industry and our country.

William Engstrom
3110 181 Avenue NE
Redmond, WA 98052-5934

PS, I haven't seen Janet Reno or Joel Klein producing any software or anything else of value to the country lately. Thank God they are no longer with the Government. The main thing that can be said of Joel Klein is that he successfully used the Microsoft suit as a stepping stone to a better-paying job. But he left a wake of destruction behind him.

MTC-00032373

From: William B. Zollars
To: Dept. of Justice
Date: 1/2/02 1:40pm
Subject: Microsoft Settlement

It seems to me that the settlement arrived at between the Justice Dept. and Microsoft is fair and should be put to rest. I am a Microsoft OS user and think their products are excellent. They should direct their efforts toward creating new software rather than having to spend so much money in legal fees defending charges by their competitors.

William B. Zollars
phone: (412)835-4741
fax: (412)835-4781
email: billzol@compuserve.com

MTC-00032374

From: Larry Timmons
To: DOJ
Date: 1/2/02 1:57pm
Subject: Microsoft Settlement

To whom it may concern,

As a professional engineer that conducts business around the world I can attest to the usefulness of the Microsoft family of products and the increase in productivity these standard products have allowed. Our business helps bring foreign revenue to the US. Our ability to communicate with foreign companies is dependent on using the same software.

While you may consider some of the previous tactics that Microsoft has allegedly used anti-competitive, the net result has been establishing a standard with which the world of business can communicate. For those of us that remember computers of the 80's and early 90's when there were few standards.

At that time I spent most of the time just getting various software packages to run consistently on the computer.

This resulted in a substantial amount of wasted time. Today's programs enable us to conduct business without being computer wizards.

I personally feel that the government has pushed this case well beyond its merits and strongly urge the DOJ to settle this matter as proposed and let us business people get on with life and let Microsoft continue to bring us new and useful products. Let the free market decide the future of Microsoft.

L.M. Timmons, President
Aircraft Engineering Specialists, Inc.
425-641-6631

MTC-00032375

From: BillMeelater
To: DOJ
Date: 1/2/02 2:57pm
Subject: Microsoft Settlement—Public Comment

Dear DOJ,

I think the settlement between Microsoft and the DOJ is fair and I believe it is in the best interest of consumers, the country and Microsoft to get on with the business of business and stop this seemingly endless litigation.

Perhaps I am missing something, but as a computer software and hardware consumer for over 20 years, I still fail to see how I've been hurt by the Microsoft Corporation. I have never felt cheated by, or felt forced to buy just their products. They are competitively priced and function very well considering the nature of computers and software.

I think it's safe to say that in this case, the governments actions against Microsoft have slowed a great company's progress towards further enabling consumers, businesses, government, etc. from becoming more productive and efficient. Ironically, the DOJ has done more to hurt people who own Microsoft stock than Microsoft will ever do to stockholders or consumers. While I agree that a big company such as Microsoft can intimidate other start ups and crush competition, one should realize that business, like nature itself, has a natural order and rhythm. At some point in time, Microsoft won't be the 'big gorilla' on the block. In the meantime, by having almost a standard operating system for computers in general, we all benefit from increased productivity. Again, after the big phone company breakup, and the disappearance of

a common long distance carrier, it was (and still is) tough to make long distance calls from phones you don't own. If you've dealt with computers for any length of time, the nightmare doubles in scope without standards in place.

Forgive the rambling. Let's get back to work doing something constructive. The country's economy is not well, and we need to end what I consider somewhat of a—'witch hunt', brought on largely by a few jealous competitors. I repeat—as a consumer of operating systems, browsers, office suites, etc., I have never felt cheated by Microsoft's products.

Sincerely,
Bill Braun
Colorado

MTC-00032377

From: annes@fishpuppy.com@inetgw
Date: 1/2/02 4:48pm
Subject:
Date: Wed, 02 Jan 2002 17:32:45 -0800
Date: Wed, 02 Jan 2002 17:32:45 -0800
To: Microsoft.atr@usdoj.gov
From: Anne Smidt <annes@fishpuppy.com>
Subject: Microsoft Settlement
Mime-Version: 1.0
Content-Type: text/plain; charset="us-ascii";
format=flowed

For heaven sakes—let's not prolong this litigation any longer. The Dept of Justice took a stand & let's abide by their rulings. Please consider the public's best interests and not make this a vendetta instigated by Microsoft's so-called competitors or "special interest" groups. The public wants this over with. I WANT THIS LITIGATION TO END NOW.
V. Anne Smidt

MTC-00032378

From: rtalarczyk
To: Microsoft ATR
Date: 1/2/02 6:38pm
Subject: Microsoft

To whom it may concern,

In my opinion punishing Microsoft can only stymie other hitech companies in America from doing innovative work in the future. America should be proud of what Microsoft has contributed to the world. Microsoft has greatly helped America become the leader in computer technology.

Many other competitors are envious of this contribution both here and abroad. Lets not destroy in what we have created. Lets move forward , for the battle to be won will be, to keep America the Leader in advanced of technology.

Thank you,
Robert Talarczyk

MTC-00032379

From: Vi Ann B. Clough
To: Department of Justice
Date: 1/3/02 5:54am
Subject: Microsoft Settlement

I think it s time to just settle this dispute and not have any more litigation. Microsoft got where it is by working at it and should NOT be stifled because someone else wants a piece of the cake.

Thank you,
Mrs. Ralph D. Clough
momclough@compuserve.com

MTC-00032380

From: bill boone
 To: Dept. of Justice
 Date: 1/3/02 9:25pm
 Subject: Microsoft Settlement
 To the Attorney General of the United States of America

When the Microsoft case is finally settled, the economy will get back on track. Confidence will be restored to small and large investor alike.

Microsoft will be able to get back full time to do what they do best, being the leader in innovation in making our lives better, at a reasonable price.

Stop the never ending litigation, and settle.

Sincerely,
 Josephine M. Boone (Mrs.)
 903 Mc Donald Road
 Cle Elum, Washington 98922-8933
 509-674-2975—phone
 509-674-5947—fax
 booneb@eburg.com -e-mail
 CC:Dept. of Justice

MTC-00032382

From: Bill Pickering
 To: Dept of Justice
 Date: 1/4/02 9:03am
 Subject: Proposed Microsoft settlement
 AMERICA MUST FACE THIS

IMPORTANT ISSUE AND RESPOND CORRECTLY The proposed terms of antitrust settlement with Microsoft to distribute free operating software to education markets is totally unacceptable and should NOT be passed by individual states not the Justice Dept. The proposed action is really not a penalty—it is a benefit to Microsoft.

1. Anyone with an abacus can figure out it doesn't cost \$1billion to press, distribute CDs to schools. This is only a slap on the wrist, and certainly no where close to global community service! It's ineffective action against a known monopoly and poses no penalty for Microsoft's illegal gains.

2. Sending free Microsoft Windows CDs to schools is only forcing educational markets to accept the Windows operating system—a contrived ploy to further perpetuate the very Microsoft monopoly the Justice Department is trying so diligently to eliminate! Schools who use other computing platforms receive no benefit from this proposed action. The proposed settlement is pure nonsense, designed to benefit no one except Microsoft.

Please do not accept this ridiculous settlement proposal. It would be devastating to our economy in the long run, and it demoralizes America's trust in our justice system.

Hundreds of thousands of parents, teachers and students across our nation have already reviewed and rejected this proposal. These folks are now asking and watching to see if individual states and the Justice Department are also wise enough to see the deception behind this proposal and refuse it's acceptance.

Microsoft continues its takeover of existing software companies at an alarming rate. Several more companies have become "Microsoft property" in past several months (incl. Great Plains Accounting). Microsoft apparently fails all reasonable efforts to deploy required self-control measures and

stop it's monopolistic practices. Instead, Microsoft defies judicial orders to halt predatory practices altogether. These uncontrolled (antitrust) practices are a devastating injustice against Americans and computing industry competitors; as such must be halted by the Justice Department. More appropriate settlement terms must be pursued, or Microsoft must be split up.

Please don't turn you back on America. Do not accept the settlement proposal.

MTC-00032383

From: Claude Prevots
 To: Department of Justice
 Date: 1/4/02 2:31pm
 Subject: Microsoft Settlement
 Greetings:

The lawsuit against Microsoft was ill conceived and a serious detriment to the economic health of this nation. It does not help consumers but prevents Microsoft from helping consumers. The present settlement was too long in coming but should be accepted to end all further litigation. Let Microsoft innovate and consumers will benefit more than if further litigation is allowed to continue.

Have a good day.
 Claude Prevots
 cogito@warwick.net

MTC-00032384

From: b_c_dahlberg@msn.com@inetgw
 To: Microsoft ATR
 Date: 1/4/02 3:53pm
 Subject: Microsoft Settlement

To whom it may concern: In my opinion, the entire Microsoft issue is about money and another way for the law profession to "feather their nest". It has nothing to do with antitrust, monopolies or protecting the "John Q Public".

Microsoft does NOT have monopoly on anything. There are several other operating system options available for which the end user can use the browser he or she prefers. As a matter of fact, he or she can use the browser of choice with Windows!

I use Microsoft products on a regular basis. It is my choice to use these products because, as a developer, my customer base also uses Microsoft products and in order for my products to function on my customers equipment, I must produce software that will work on their equipment.

If the customer base used Unix, Apple, or O/S 2, I would probably go that route. Every dollar Microsoft spends to protect itself from frivolous litigation means that I am going to have to spend more for products I use. As with taxes, corporations do not pay for the cost of litigation—their customers do!

The only winners going this route are those folks with "Esquire" after their names. Please end this as soon as possible. "Trickle Down Economics" goes both ways, you know!

Sincerely,
 Robert L. Dahlberg
 Carol E. Dahlberg
 145 W Midway Blvd
 Broomfield, CO 80020

MTC-00032385

From: SDeWalt@compuserve.com@inetgw
 To: USDOJ
 Date: 1/4/02 6:52pm

Subject: Microsoft Settlement

To whom it may concern,

I will keep my comments short, not through lack of interest, but because it is high time this case is settled for the good of the consumers. The Tunney Act is fair to all concerned. Let us now end this case and get the DOJ back to prosecuting criminals and Microsoft back to making software.

Stephen DeWalt

MTC-00032386

From: James O'Connell
 To: Department of Justice
 Date: 1/5/02 9:40am
 Subject: Message From a Concerned Citizen
 Dear Department of Justice:

As a principal software engineer who's been working in the software industry for years, I want to express to you how happy I was to see a settlement with Microsoft, thereby ending three years of antitrust lawsuits.

Upon review of the terms, it is evident that the settlement is more than fair. The terms require Microsoft to design future versions of Windows, to make it easier to install non-Microsoft software, and to disclose information about certain internal interfaces in Windows. The terms also promote significant change in the way Microsoft develops, licenses, and markets its software. A committee to make sure that Microsoft abides by the agreement will oversee all of this. Not only are these terms well thought out, but also they obviously benefit all parties involved.

I am sure that there are many other pressing issues to concentrate on rather than continue to focus on Microsoft. The more we delay this process, the more we delay getting our technology industry back on its feet. The global market is an extremely competitive one, and we need to stay on top of the race. Please help support our IT sector by helping to make sure that no further action is taken against the current settlement.

Sincerely,
 James W. O'Connell
 99 Winsor Ave
 Watertown, MA 02472-1482

MTC-00032387

From: Dariusz Jarzynski
 To: Microsoft ATR
 Date: 1/5/02 9:03pm
 Subject: Microsoft Settlement

As a Microsoft software user, and a citizen of this great country, I support the US government and Microsoft efforts to settle the current lawsuit to the benefit of the consumer. I strongly support this settlement which allows the best and most inovative corporations to continue to develop the best software programs as a result of their creativity, their consumer-oriented research and their willingness to contribute to develop a more efficient work environment.

Darek Jarzynski
 Issaquah, WA

MTC-00032389

From: Susan Sheridan
 To: Microsoft ATR
 Date: 1/5/02 10:12pm
 Subject: Microsoft Settlement

I don't believe that anti-trust laws are constitutional. The government should not be involved in economics. Please repeal the Sherman Antitrust laws.

Susan Sheridan

MTC-00032390

From: ACORNK@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 10:21pm
Subject: Please Allow Microsoft to Operate Without Penalties

Capitalist America is supposed to boost Capitalism, not destroy it. Many of us profit when Microsoft profits. Employees, customers, investors all benefit. This action should not have been taken to advance the competitors who instigated it. Settle it now and let Microsoft and its beneficiaries get on with their business.

Pat and Fred Carlson, 766 Calle Pecos, Thousand Oaks, ca 91360.
acornk@aol.com

MTC-00032391

From: Fabiano Moya
To: Microsoft ATR
Date: 1/5/02 10:24pm
Subject: Microsoft Settlement

Att. To Whom it May Concern
As many others Alternative Operational Systems that have been hurt by the monopolistic policies of MicroSoft. We received the request from the headers of various projects to manifest ourselves and let our minds be known, so here it is, agreeing to the last ii and jj to the requests being made by many users all over the world.

I am part of a worldwide network that is working on getting the BeOS back into the market place, but there is no hope of success if the following issues aren't addressed:

MS Office needs to be opened, so that developers interested in porting it or understanding the document formats can do so either in form of a source code licence or an allowance to see it, check it and "clone libraries", so that applications on non-Windows OSs can read and write MS Office formats for flawless interaction with Windows users.

The Win32 API needs to be made available (incl. undocumented APIs) so that WINE can be successfully ported not only to BeOS but other OS too.

The file system needs to be opened, so that BeOS users can continue to access files on non-BFS partitions.

The ruling must include a "must-carry" rule, so that any OEM Microsoft is supplying Windows with HAS to "dual-boot" an alternative operating system, in this case BeOS, in order to remedy the damage MS has done to BeOS in the past.

MTC-00032392

From: Stu Adler
To: Microsoft ATR
Date: 1/5/02 10:26pm
Subject: Microsoft Settlement

Enough is enough! Microsoft provides excellent product support at no charge, while their competitors don't even know what the term means. Microsoft has EARNED their position by savvy marketing, customer support and reasonable prices. The agreement with the DOJ was fair. What the

states want is the destruction of Microsoft so that their home town losers can form a new monopoly of high priced products with lousy service. This is NOT in the best interest of the community of users!

Stu Adler
14914 Mayall St.
Mission Hills, CA 91345

MTC-00032393

From: Jack O'Leery
To: Microsoft ATR
Date: 1/5/02 10:45pm
Subject: settlement
B.Gates, et al:

MSFT uber alles!! Don't give up the ship. The whole US is sick and tired of the DOJ hammering MSFT with no real objective other than to inflate the egos of its zealot lawyers. All the best, and happy new year!! OPTH1, an admirer.

MTC-00032394

From: Ben
To: Microsoft ATR
Date: 1/5/02 11:15pm
Subject: Microsoft Settlement

I am a Microsoft "Consumer", as well as a Microsoft shareholder in my IRA. I am retired and a Social Security recipient. And I guess that this is my only opportunity to say what I think re the DOJ vs. Microsoft settlement. So here it is.

If Netscape, Sun Microsystems, et al, think that they have been "screwed", how about me? As I recall, Netscape joined with AOL in a deal that paid Netscape appx. four billion dollars. Now isn't that a sad story! But I had Microsoft stock in my IRA for my retirement days (I am now 73 years of age), and I lost 50% of my retirement fund within days of the time that Judge Jackson, extremely biased against Microsoft by anybody's standards, decided to rule that the company that has done more for the U.S. economy than any other in recent history should be split apart. My retirement funds, along with those of thousands of others, were lost apparently because Microsoft's competitors opted to pressure Congress (Orrin Hatch, for one) and the Department of Justice to make their businesses successful, rather than to achieve comparable success through their own brain power and effort.

I owned my own small business and no Attorney General, lawyers or courts helped me. My company provided good products and good service. And when I installed a Microsoft system (that makes me a "Consumer") I did not feel cheated. I was happy with the product I purchased and am still happy with the equipment I still use at home in my retirement years. But my retirement prospects are not nearly such a pretty sight due to this litigation that is going on and on and on and on.

The proposed settlement appears to be a good one for all concerned. My congratulations to both the Department of Justice and Microsoft for that. But what right do those still opposing the settlement have to harm me further for their own selfish interests? Let them get to work, just as I did (on a smaller basis, of course), and make it on their own merits instead of sponging off of someone else's intelligence and hard work.

In this time of national stress this country and all of us need all of the incentive our economy and our stock market can get. Our President is right! Our economy needs a stimulus—and it won't come by cow-towing to limited selfish interests by such as those refusing to accept the proposed settlement and vowing to pursue further litigation. Let's get on with what's best for our country, our elderly (myself and my wife included), and all others with retirement programs of all ages, our military men and women, and those who are just plain happy with their Microsoft products. Enough of this particular hasseling and litigation. Bill and Melinda Gates have set an outstanding example by donating over a billion dollars of their personal income (undoubtedly mostly from Microsoft profits) to very worthy charities throughout the world. How rewarding it would be if some of these litigation-happy competitors would do likewise with even a small fraction of the big bucks they are contributing to big-name trial lawyers!!

God Bless America.
Respectfully Submitted,
S. Ben Riva
Bellevue, Washington .

MTC-00032395

From: COLLINSF3@aol.com@inetgw
To: Microsoft ATR
Date: 1/5/02 11:19pm
Subject: Microsoft Settlement

I would just like to say that Microsoft should not be broken up by any means. It's not the jurisdiction of our government do define competition as total equality. It would be punishing people who have worked hard to create a product that people like and buy. The government does not have the right to say who prospers or define one's earnings. Now that Explorer is free it forces Netscape to be original, provide the consumer with something new that Explorer does not allow. It forces other people to create, to strive. You do not punish Gates for being successful. Apple computer still has a wonderful product which they sell. The government suppressing individuals ability to create is everything the framers of our constitution would go against. Gates has the right to his property. This is the equivalent of if I owned large amounts of land so I could sell it at lower prices hurting real estate companies, so the government took my land. That says that my property is not mine, but rather everything I own is up to the discretion of the state to take. We do not live in a socialist government, and I fear that this decision would be another attempt for the government to define our lives as a collective regime to help one another. Look the government cannot violate ones property rights. If this decision goes through then that says that says the government can control ones property which is strait communist no doubt. There's no violation of the law unless Microsoft hurts the rights of another.

The constitution says we as individuals have the right in the pursuit of happiness. That does not mean happiness is guaranteed to the individual. Neither does it mean the state has the right to define the level of happiness we're allowed. Please please please do not break up Microsoft.

MTC-00032396

From: The Talleys
 To: Microsoft ATR
 Date: 1/5/02 11:52pm
 Subject: microsoft settlement
 I agree with the terms of the settlement.

MTC-00032397

From: Carol Kelly
 To: Ms. Renata Hesse
 Date: 1/6/02 5:03am
 Subject: Microsoft Settlement
 Carol Kelly
 78401 Bigelow Way
 Cottage Grove, OR 97424-9430
 January 6, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on

their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Carol A. Kelly

MTC-00032398

From: Sean OToole
 To: Microsoft ATR
 Date: 1/6/02 2:14pm
 Subject: Microsoft Settlement
 TO: US Dept of Justice.

As a concerned citizen and tax payer I urge you to put the Microsoft case to rest. It may have been a nice idea for the Federal Government and State Governments to sue Microsoft when the economy was soaring and the states saw dollar signs....those days are gone. I understand that a few high level government officials are looking for private sector jobs and like to make a name for themselves while they have the unlimited budget of the taxpayer. If we continue to allow a few lawyers seek name recognition at the expense of the corporation we will destroy our free economy.

The governments job should be to protect the greater public interest and allow Americans to pursue their own happiness. It has been made very clear in this case that Microsoft has not damaged the consumer or the public's interest. I appreciate all our government does. Americans truly are fortunate to live here and I am grateful for the Department of Justice and the people who serve there.

In this matter I think we should let the free market solve the competitive issues.

Thank you.
 SEAN OTOOLE

MTC-00032399

From: Aubrey Brewster
 To: Microsoft ATR
 Date: 1/6/02 4:48pm
 Subject: (no subject)

I think the microsoft settlement is Fair let it stand.

Thanks Aubrey Brewster

MTC-00032402

From: John Mulhall
 To: Ms. Renata Hesse
 Date: 1/6/02 8:56pm
 Subject: Microsoft Settlement
 John Mulhall
 7 Evergreen Lane
 Cazenovia, NY 13035
 January 6, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 John A. Mulhall

MTC-00032403

From: SlateInc@aol.com@inetgw
 To: Microsoft ATR
 Date: 1/6/02 11:54pm
 Subject: Microsoft Settlement
 Dear DOJ,

I believe that it's in the best interest of American consumers (and indeed of the US economy) for the DOJ to quickly resolve it's issues with Microsoft. I think that there never really was a case against Microsoft that warranted any kind of major penalties.

Thank you.
 Larry Delaney
 Consumer and small business owner

MTC-00032404

From: Jonathan Tarbox
 To: "microsoft.atr(a)usdoj.gov"
 Date: 1/7/02 7:10am
 Subject: Microsoft Settlement
 Dear Sirs;

I was deeply involved with the BeOS operating system at one time and would greatly love to get back into the swing of things with it. However, since Be, Inc. is no more and Palm is hesitant about licensing out the BeOS source code to the BeUnited project (www.beunited.org), I thought I'd voice my opinion.

The main thing that prevented BeOS, or any non-Microsoft operating system, from being shipped on any mainstream OEM computers was the MS licensing preventing OEM companies from being able to install other operating system. There should be no bonus or penalty to an OEM for not installing or installing another operating system on a shipping PC. From what I knew of the deal, an OEM company would loose out on bonuses that Microsoft would award thier OEM purchasers if they installed other operating systems on thier shipping PCs.

And because of the lack of OEM support, hardware manufacturers would often not write drivers for thier hardware for the BeOS. This greatly hurt the momentum of the BeOS to a point that the owners of Be, Inc. had to shift focus to Internet Appliance devices instead of PCs. This also didn't pan out and the IP of Be, Inc. was sold to Palm recently.

Personally, I believe the settlement should prevent MS from using licensing or monetary bonuses to sway OEMs into using only MS products on thier PCs. It should also remove limitation of not allowing any other operating system to dual boot with any MS operating system. Thanks, Jonathan Tarbox

MTC-00032405

From: chester c fong
 To: Microsoft ATR
 Date: 1/7/02 9:08am
 Subject: Microsoft Settlement
 To Department. of Justice
 Re: Microsoft Settlement

As a private citizen, this case should be closed and left as is. It has cost quite a bit of money to work on this case both from the government (representing the people), the taxpayers who pay the government to perform, and the Microsoft Co. who are the defendants of this case.

The settlement brought forth by the lower courts is a fair one. It costs Microsoft

Company to pay for its transgressions of the law and the Plaintiffs should be happy. The public (taxpayers) are sick and tired of this case dragging over the past two years.

This case has been deemed fair by the courts, let it be. In the interests of justice for everyone concerned it is closed.

Private Citizen,
 Chester Fong
 801 Franklin St.
 Oakland, Ca 94607

MTC-00032406

From: Les Thompson
 To: John Ashcroft
 Date: 1/7/02 10:03am
 Subject: Microsoft
 January 7, 2002

Attorney General John Ashcroft
 US Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Mr. Ashcroft:

I wanted to let you know that I think the government made the right choice in ending its litigation against Microsoft. Frankly, the Justice Department never should have continued the action against this company in the first place, and I am glad to see that the matter is finally resolved.

Microsoft makes innovative products, and this is not an excuse to break up this company. Microsoft has agreed to share information with its competitors, but it will still be allowed to develop products that will improve the technology industry. The settlement is fair and was reached after extensive negotiations. A technical review committee will ensure that Microsoft complies with the terms of the settlement.

I believe you have made the right decision by settling with Microsoft. Thank you for your support.

Sincerely,
 Les Thompson
 Leslie Thompson

MTC-00032409

From: Mike Pritchard
 To: Microsoft ATR
 Date: 1/7/02 11:32am
 Subject: Microsoft Settlement

In my opinion... the DOJ should back off a little.

I think the DOJ investigation is being driven by competitors of Microsoft. I also think Microsoft's competitors are jealous because they have been unable to duplicate Microsoft's success.

Do you remember what it was like to work with computers in the 70's and 80's??? Proprietary computers running proprietary software. Hardware and software costs were outrageous and maintenance cost weren't much better.

Software programs were not standardized and they didn't always play nice with each other. The philosophy of big computer companies seemed to be, "Do it our way or don't do it". Trying to get different computer to work together was very frustrating (if not impossible).

Microsoft could have played by the same rules as everybody else (in the computer industry). Instead, today we have standards and tightly integrated tools for developing and running software.

I do not think Microsoft is a Monopoly. They do not own the hardware and software (unlike Apple and IBM), and there are many operating systems to choose from. You can run several types of UNIX, Macintosh, OS2, etc... Most people choose MSWindows. It is quite nice to have many tools integrated into the MS operating system.

Because of its size it may be a good idea to keep an eye on Microsoft, but in my opinion they should get a commendation for what they have accomplished. Microsoft has made my job easier and more productive.

Michael A Pritchard
 Access Development
 Director of IS, CIO
 SLC, Ut

MTC-00032410

From: Mader, John
 To: "Microsoft.atr(a)usdoj.gov"
 Date: 1/7/02 12:55pm
 Subject: Anti-Trust Settlement
 To whom it may concern

I feel that if the present settlement is allowed to stand (Microsoft allowed to continue shipping their applications bundled with their operating system) the consumer will have to pay the cost of mitigation. With the clout that the operating system gives Microsoft they will be able to move into any lucrative software market after other firms develop those markets. This pattern is very evident (i.e. Java, Palm, Sun). Eventually most of the other players will be pushed out of the market, and Microsoft will be successful in creating a barrier to the software market. This loss of competition will not serve the interest of the American people. I ask the court to break Microsoft into 2 or more companies.

John Mader
 10228 Gatemont Circle
 Elk Grove Ca. 95624

MTC-00032412

From: JudeAVettrairno
 To: Microsoft ATR
 Date: 1/7/02 3:40pm

MTC-00032413

From: Cornel Sarosdy
 To: DOJ
 Date: 1/7/02 4:17pm
 Subject: Microsoft settlement

Neither the DOJ nor the court should do nothing to contravene the settlement already completed between DOJ and MSFT. The case of the states still suing should be thrown out by the court. I have used MSFT products for many years and have never thought to be taken advantage of by MSFT.

Cornel Sarosdy

MTC-00032415

From: Eberhard Hafermalz
 To: Microsoft ATR
 Date: 1/7/02 6:05pm
 Subject: Settlement with MicroSoft

Dear Sir/Madam

Following a request by Helmar Rudolph who is part of the BeUnited Team and with whom a DOJ person has talked on January 4, 2002, I would like to submit my views on what is necessary to remedy the damage done to the market for PC operating systems (OS) by MicroSoft.

I am not a developer but a user of the BeOS, an alternative operating system widely acclaimed for its potential as a desktop OS. I would like to stress that the BeOS never has taken off as a widely used OS on the PC market. Not because it does not have the potential; there is publicly available numerous evidence to the contrary. The BeOS has died because computer makers were not allowed to pre-install this OS on their systems instead of or even alongside a Microsoft OS, thus precluding a broad distribution. It is a known fact that computer makers declined the offer of Be, Inc., the maker of BeOS, to ship their machines with the BeOS pre-installed because this would invoke the respective punitive clauses in the licensing agreement they had with Microsoft.

Further, when installing a Microsoft OS onto a computer already equipped with the BeOS (or any other OS), the Microsoft OS wipes the so-called bootblock, resulting in the computer only booting into the Microsoft OS afterwards. As is well known, Microsoft OSs are prone to get unusable after a short period of time, requiring extensive maintenance which more often than not is easiest done by re-installing the whole system. This obviously invokes the bootblock problem every time a re-install is conducted.

These two issues alone make it almost impossible for the average computer user to (a) acquire a non-Microsoft OS running computer, and (b) maintain a dual-boot system where one of the OSs is a Microsoft one.

The remedy for issue (a) would be to disallow Microsoft in clear terms the use of any contractual clauses in their licensing agreements that restrict the decision of the computer maker on what OS, if any, to ship with the computer they manufacture.

The remedy for issue (b) is to disallow Microsoft the overwriting of the bootblock when Windows (or another Microsoft software) is installed. This is technically possible by giving the user the choice which systems to boot into. Resolving issue (b) is in fact complementary to issue (a) for the reasons explained above; otherwise Microsoft would be allowed to abuse their dominant market position by simply accomplishing at a later point in time what they have been denied at the manufacturer's stage: killing the competing OS on the same computer.

In light of the Microsoft strategy of the past, the above is not the only remedy I think necessary because it would only create a level playing field. Microsoft would be allowed to maintain the fruit of their previous unfair competition practice. Thus it appears justified to require Microsoft to cede proprietary information in areas where it has acquired a de-facto monopoly by way of utilizing advantages from their unfair competitive behavior.

Most importantly, this includes the "office" part of the company's business. Microsoft Office is the standard because Office was pressed onto the consumer as "part of Windows", which—as well as the Internet Explorer—it is not. Microsoft thus utilized the practice described above to eliminate any competitor in this software segment.

In order for rival makers of office software to compete they need the information

required to create translators, software add-ons ("plug-ins" in Windows-speak) that allow the competing software to import from and export files to Microsoft Office (and other) formats. I would like to point out that in order to accomplish this it is not required that Microsoft open their source code of Windows, Microsoft Office, or any other software.

Moreover, I would like to bring to your attention that it is not only Windows, and Microsoft software running on Windows, that needs to be included in a settlement. Microsoft is already showing the same patterns of behavior as before in the market for handheld computers. Also they are obviously trying to delay any remedial action against the Windows monopoly in the desktop computer market until Windows is no longer their main product line. Any settlement that is to create and ensure a level playing field in the longer term not only needs to remove the Windows monopoly but at the same time include any future OS or, indeed, software Microsoft might sell, be it ".Net" software, Windows CE/Stinger, or any other product.

Finally, please revise your stance on the issue of Microsoft's "giving away freely" computers, software, and service for these to schools. This is no remedy but an opportunity. It will create a new market for the company. These days Microsoft's power to abuse their position stems from the very fact that for most people the term "computer" automatically means "Windows", i.e. Microsoft. Letting Microsoft "make good" for their abusive behavior by opening one of the few places where competing OS maker Apple still holds a better than insignificant market share would mean, as we say in Germany, to try to expel the devil with the Beelzebub.

The fate of innovation is at stake. Innovation cannot come from a company that has been holding the monopoly for almost ten years now. There is much better, much more innovative software out there than Microsoft one but it will never have a chance.

Unless Microsoft is forced to give it that chance.

Thank you for your attention.

Faithfully yours

Eberhard Hafermalz

MTC-00032416

From: Pamela Schmidt
To: Microsoft ATR
Date: 1/7/02 6:56pm
Subject: Ending Clinton Anti-trust abuse
To whom it may concern:

You have my full support to do what is just and lawful to correct any abuses allowed through the Clinton years. I know that you will know just what to do.

Sincerely yours,

Pamela J. Schmidt

MTC-00032417

From: Dennis McKenna
To: sirs
Date: 1/7/02 8:09pm
Subject: Microsoft settlement

Dear Sirs,

I understand that there is finally a settlement that has been reached in the Microsoft case and I can only say this:

Why has it taken so long? This entire case was misguided. As an American citizen I cannot believe that we do not have something better to do with our tax dollars than investigate a fine, innovative American company that provides excellent products for reasonable prices to all. What would the world be like without Microsoft's innovation? And what, I ask was their crime? That they were so good at what they did that they had little competition. This was a natural monopoly which sooner or later would have come up against natural competition. It's not the role of government to step in and smash such a company. We should be providing a favorable environment for more US companies to step up their level of innovation and become the next Microsofts. Please go ahead and get this thing over with so we can close the book on this embarrassing chapter of US history.

Sincerely,

Dennis McKenna
4207 Lenzgrove Lane
La Canada, CA 91011

MTC-00032418

From: Mary Jo Reddick
To: Microsoft ATR
Date: 1/7/02 8:24pm
Subject: Microsoft Settlement

We think it is a tough but fair settlement—for all parties involved. Stop wasting the tax payers money—competition is wonderful for consumers like our family. We are an average working family who appreciate good quality products at fair prices that Microsoft has made available to us. We don't appreciate our hard earned tax money being wasted on frivolous, vengeful lawsuits. Enough already.

Donald and Mary Jo Reddick
Lancaster, CA

MTC-00032419

From: Michael Belcher
To: Ms. Renata Hesse
Date: 1/7/02 10:13pm
Subject: Microsoft Settlement
Michael Belcher
po box 5681
pahrump, nv 89041-5681
January 8, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Michael Belcher

MTC-00032420

From: Nelsons
To: Microsoft ATR
Date: 1/7/02 10:43pm
Subject: It will be very good for the US economy if this case was settled

It will be very good for the US economy if this case was settled prior to the March hearings. The nine states that are holding out are obviously trying to protect their companies in their own state. e.g. Oracle, AOL, Sun Microsystems etc. They are putting themselves above the consumer by delaying the settlement. All they want is their pound of flesh, nothing more. It is getting so obvious that hopefully the judge will see through it. It was a good thing the DOJ made the effort

to settle with Microsoft. The sooner it is over, the better it will be for the stock market and the consuming public.

Thank you for the opportunity to voice my opinion.

Charles D Nelson
nelsons@altavista.com

MTC-00032421

From: Jane Pehl
To: Microsoft ATR
Date: 1/8/02 6:47am
Subject: Microsoft

It is time to end the tyranny of the Clinton years! Get out of the life of American business and taxpayers!! Why are you not prosecuting true criminals like the Clintons and their accomplices during their eight year crimes spree?

Jane Pehl
San Antonio, Texas

MTC-00032422

From: Rose Marie Lavelle
To: Microsoft ATR
Date: 1/8/02 8:07am
Subject: for all the people,not the few

Let us move on with the things of today and not the pass,end it now!

ROBERT M.LAVELLE
122 WHISPERING PINE DR.
PALM COAST FL. 32164

MTC-00032424

From: Steve Sawyer
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/8/02 9:19am
Subject: Microsoft anti-trust case

Greetings,

I have been involved in the IT industry since 1981. I watched Microsoft, Apple and others work their way up the corporate ladder with innovative ideas and hard work. They deserve much of the fruits of their labor.

However, in Microsoft's case, they have been doing much more harm than good to the consumer over the past several years. As a graduate of the University of Oregon School of Business Administration, I have watched with fascination the methods with which Microsoft has eliminated competition and coerced vendors into doing business Microsoft's way. All of this while their own products continue to slide, in terms of quality and technical advancement. The result is a two-edged sword. They spend time and resources wiping out competitive ideas leaving little reason or incentive to improve their own.

Then the Government and the courts comes along and "endorses" this approach by mandating toothless laws with little or no enforcement. Microsoft is trying to do this with Linux as well as others. Microsoft is a great company. Bill Gates and crew should be applauded for what they have done for technology. However, Microsoft has become a textbook example of why we have rules governing monopolistic practices in this country. When Billy Graham gets caught speeding he receives a ticket for speeding and he pays the fine. Microsoft got caught and it is time to pay the fine.

Do America and Microsoft a favor and put a stop to the dark side of Microsoft.

Thank you...

Steve
Steve Sawyer
Director of Internet Development
Market America, Inc.
steves@morebv.com

MTC-00032425

From: Michael Sauber
To: Ms. Renata Hesse
Date: 1/8/02 9:55am
Subject: Microsoft Settlement
Michael Sauber
219 Hidden Creek Lane
North Aurora, IL 60542
January 8, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to

substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Michael L. Sauber

MTC-00032426

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/8/02 10:22am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 8, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Charlotte Worden

MTC-00032427

From: Paula Benner
To: Microsoft ATR
Date: 1/8/02 10:37am
file:///C:/win/temp/tmp.htm

I want to end Clinton-era Anti-trust law abuse!

MTC-00032429

From: Ben Hughes
To: Microsoft ATR
Date: 1/8/02 2:13pm
Subject: Clinton Era

I would like to see the end of the Clinton era abuse of anti-trust legislation and court action. Microsoft has provided jobs to multitudes of people and made millionaires of another group who started out as workers.

Thank you,
Sue & Ben Hughes
Lindale, Texas

MTC-00032430

From: Bob (038) Caryl Horstmeier
To: Microsoft ATR
Date: 1/8/02 4:17pm
Subject: GOVT. SHAKEDOWN OF MICROSOFT

DEAR WHO EVER AT JUSTICE DEPT;
I BELIEVE THAT MICRO SOFT DOES NOT RATE A SHAKE DOWN BY THE GOVT. JUST BECAUSE MICROSOFT DID NOT CONTRIBUTE TO SLICK WILLY. THE REST OF THE WORLD IS WONDERING WHY WE SHAKE DOWN OUR BEST ACHIEVERS.

ROBERT HORSTMEIER, 112 STANTON STREET, DAVIS ILLINOIS, 61019-0183
randchorst@stateline-isp.com

MTC-00032432

From: ARTHUR HUPP
To: Microsoft ATR
Date: 1/9/02 2:17am
Subject: E-Mail Settlement

Enough is Enough!!!! Let's let Microsoft get on with being a successful company and quit wasting the taxpayers money!!!!

Art Hupp

MTC-00032433

From: Craig Madsen
To: "microsoft.atr(a)usdoj.gov"
Date: 1/9/02 7:32am
Subject: FW: Microsoft Antitrust Case
From: Craig Madsen
Sent: Monday, January 07, 2002 4:42 PM
To: "attorney.general@po.state.ct.us"
Subject: Microsoft Antitrust Case

Dear DOJ, etc.,

I am writing to put my 2 cents worth about the antitrust case against Microsoft Corp.

I feel like Microsoft is using their OS dominance to stifle every bit of competition possible. I totally agree with the 9 states that are fighting this thing to the bitter end. I also don't agree with the current settlement at all. For Microsoft to spend a bunch of money for the schools does absolutely nothing to stop them from continuing to do what they have been doing for years—except try to catch up with Apple, Inc. in the school battles!! I also don't mind spending my tax dollars to do whatever is necessary to make them pay for what they have already done.

We watched them "give away" a browser and all but kill a competitor(s). Tomorrow they start giving away databases, and before long, who knows? If there was a competitor to the government, they would buy them, reduce the price on whatever they were selling to nothing and kill them off too. Once dead, they can raise the price back to whatever they need to.

Do I want Microsoft dead? Probably not, however, I want them to have to use the same playing field as the rest of the businesses in america that don't control 90% of the operating system business. Break them up. Make

them give out their source code to anyone, so we could all make products as quickly as them!

p.s.

I was trying to send this to: microsoft.atr@usdoj as well, but my e-mail package didn't like this. Do you know how I can get a copy of this to them?

Thanks,
Craig Madsen
(801)-961-3045
155 North 400 West
Salt Lake City, UT 84103-1111

MTC-00032435

From: Mundlapati Jawahar
To: Ms. Renata Hesse
Date: 1/9/02 9:28am
Subject: Microsoft Settlement
Mundlapati Jawahar
4759 e culver st
phoenix, az 85008
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has

cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mundlapati Jawahar

MTC-00032436

From: LOUIS TURRO
To: Ms. Renata Hesse
Date: 1/9/02 10:30am

Subject: Microsoft Settlement
LOUIS TURRO
591 PALMER AVE
MAYWOOD, NJ 07607
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
LOUIS TURRO

MTC-00032437

From: Joseph O'Hara
To: Ms. Renata Hesse
Date: 1/9/02 10:34am
Subject: Microsoft Settlement
Joseph O'Hara
17521 leafwood lane
Tustin, CA 92780
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Joe O'Hara

MTC-00032438

From: Dawn Case
To: Ms. Renata Hesse
Date: 1/9/02 10:35am
Subject: Microsoft Settlement
Dawn Case
2436 Richmond Rd.
Woodward, OK 73801-7125
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Dawn Case

MTC-00032439

From: Adrian J. Dekker
To: Ms. Renata Hesse
Date: 1/9/02 10:46am
Subject: Microsoft Settlement
Adrian J. Dekker
11929 Eagle Creek Cove
Ft. Wayne, IN 46814
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Adrian J. Dekker

MTC-00032440

From: Norm Lee
To: Ms. Renata Hesse
Date: 1/9/02 10:55am
Subject: Microsoft Settlement
Norm Lee
2709 Glendale Drive
loveland, co 80538
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Norm Lee

MTC-00032441

From: Carl Haywood
To: Ms. Renata Hesse
Date: 1/9/02 10:56am
Subject: Microsoft Settlement
Carl Haywood
1515 Patrick court
Gardnerville, NV 89410-6645
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

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Sincerely,
Carl Haywood

MTC-00032442

From: carl king
To: Ms. Renata Hesse

Date: 1/9/02 11:03am
Subject: Microsoft Settlement
carl king
1145 bordeau ct.
atlanta, ga 30338
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
carl king

MTC-00032443

From: Richard Haugen
To: Ms. Renata Hesse
Date: 1/9/02 11:05am
Subject: Microsoft Settlement
Richard Haugen
740 Southgate
Fullerton, Ca 92832
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Richard L. Haugen

MTC-00032444

FROM: Ray Kraft
TO: MS ATR
DATE: 1/9/02 11:07am
SUBJECT: Opinion: microsoft settlement does not address problem sufficiently

I would like to voice my concern over the proposed settlement between Microsoft and the DOJ. Given that Microsoft has been founds *guilty* of violating antitrust law and abusing its power in the computer operating system market, I feel that the measures outlined in the settlement will do little to redress this problem. In fact, I believe that some proposed "corrective" measures (i.e. those addressed at scholls) will in fact have just the opposite effect, and will serve to strengthen Microsoft's monopoly position.

I would like to ask that more effective measures be proposed to bring about the changes required to prevent Microsoft from continuing to abuse its monopoly position.

Thank you. Sincerely,
Raymond H. Kraft, Ph.D.
Raymond Kraft, Ph.D. rkraft@api.com
Associate Technical Fellow 425-657-1348
Applied Precision, Inc.
Issaquah Washington, USA
GnuPG Public Key Available: <http://www.keyserver.net/en>

MTC-00032445

From: Robert Hagaman
To: Ms. Renata Hesse
Date: 1/9/02 11:14am
Subject: Microsoft Settlement
Robert Hagaman
13 Hibiscus Court
Homasassa, FL 34446
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert E. hagaman

MTC-00032446

From: Richard Swier
To: Ms. Renata Hesse
Date: 1/9/02 11:19am
Subject: Microsoft Settlement
Richard Swier
6718 Paseo Castille
Sarasota, FL 34238
January 9, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Rich Swier

MTC-00032447

From: Carlton Miller
To: Ms. Renata Hesse
Date: 1/9/02 11:33am
Subject: Microsoft Settlement
Carlton Miller
805 Skye Drive
Findlay, Oh 45840-4436
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Carlton Miller

MTC-00032448

From: mike sanford
To: Ms. Renata Hesse
Date: 1/9/02 11:46am
Subject: Microsoft Settlement
mike sanford
1502 riley
lebanon, in 46052
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
mike sanford

MTC-00032449

From: Scott Clark
To: Ms. Renata Hesse
Date: 1/9/02 11:47am
Subject: Microsoft Settlement
Scott Clark
5127 W Riviera Ave
Banning, CA 92220
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Scott Clark

MTC-00032450

From: William Hoesen Sr
To: Ms. Renata Hesse
Date: 1/9/02 11:47am
Subject: Microsoft Settlement
William Hoesen Sr
1330 Meadowknoll
San Antonio, Tx 78227
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
William H Hoesen Sr

MTC-00032451

From: Christine Amirault
To: Ms. Renata Hesse
Date: 1/9/02 12:04pm
Subject: Microsoft Settlement
Christine Amirault
106 Sprucewood Court
Bonaire, GA 31005-3017
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,

Christine B. Amirault

MTC-00032452

From: Emmett Williams
To: Ms. Renata Hesse
Date: 1/9/02 12:05pm
Subject: Microsoft Settlement
Emmett Williams
1459 East Park Place
Chicago, IL 60637-1855

January 9, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Emmett Williams

MTC-00032453

From: Joseph Parrish
To: Ms. Renata Hesse
Date: 1/9/02 12:06pm
Subject: Microsoft Settlement
Joseph Parrish
1417 Starboard Ct.
Orange Park, FL 32003-7268
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Joseph W. Parish

MTC-00032454

From: Mark Nielsen
To: Microsoft ATR
Date: 1/9/02 12:06pm
Subject: The current settlement with
MicroSoft is bad for competition and for
the nation

Hello!

MicroSoft is evil. That is a given. Given all the lies they have said in court over the years, you cannot trust anything they say. Thus, how can you trust the settlement?

MicroSoft was probably going to give 1 billion dollars to schools anyways. Then the settlement says they have to, which doesn't make any sense, because they were probably going to do it anyways. MicroSoft has always tried to grab the educational institutions, because when people graduate from high school or college, they will stick with the software they know.

Thus:

1. They were already going to do it anyways.
2. It inteferes with Apple's ability to compete in the education market.

MicroSoft is entirely evil and I would prefer, be destroyed. I would like to see it get destroyed under a competitive market, rather than physicial force. I like to win my battles fairly. Given the current republican administration, please do what makes the most sense for a competitive market, which you should understand since you are republican, and just don't so stuff that benefits the rich fat republicans/corporations who have no regard for our nation, just their pocketbook. I want business to thrive for those who deserve it, not those who are able to bribe/lie/cheat/steal their way into power because they have a lot fo money.

Thanks!
Mark

MTC-00032455

From: John Schuck
To: Ms. Renata Hesse
Date: 1/9/02 12:08 pm
Subject: Microsoft Settlement
John Schuck
P.O. Box 1516
North Conway, NH 03860
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement. Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well.

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Sincerely,
John Schuck

MTC-00032456

From: Marian Hirsh

To: Ms. Renata Hesse
Date: 1/9/02 12:16pm
Subject: Microsoft Settlement
Marian Hirsh
96000 Overseas Hwy. F-9
Key Largo, FL 33037
January 9, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.

Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Marian Hirsh

MTC-00032457

From: Raymon Brown
To: Ms. Renata Hesse
Date: 1/9/02 12:31pm
Subject: Microsoft Settlement
Raymon Brown
790 Abbott Rd
Lexington, KY 40502-2930
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Raymon W Brown

MTC-00032458

From: Richard Graves
To: Ms. Renata Hesse
Date: 1/9/02 12:33pm
Subject: Microsoft Settlement
Richard Graves
125 Wildflower Lane
Chillicothe, OH 45601-4092
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Richard E. Graves

MTC-00032459

From: Keith Gallup
To: Ms. Renata Hesse
Date: 1/9/02 12:33pm
Subject: Microsoft Settlement
Keith Gallup
1707 Brandenberg Dr.
Surfside Beach, SC 29575-5478
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Keith Gallup

MTC-00032460

From: Michael MacArthur
To: Ms. Renata Hesse
Date: 1/9/02 12:42pm
Subject: Microsoft Settlement
Michael MacArthur
4720 Chevy Chase Dr. #406
Chevy Chase, MD 20815
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Michael K. MacArthur

MTC-00032461

From: Fred Reich
To: Ms. Renata Hesse
Date: 1/9/02 12:42pm
Subject: Microsoft Settlement
Fred Reich
718 Danville Circle
Melbourne, FL 32904
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Fred Reich

MTC-00032462

From: Frederick Hoover
To: Ms. Renata Hesse
Date: 1/9/02 12:43pm
Subject: Microsoft Settlement
Frederick Hoover
106 Miller Avenue
Sayreville, NJ 08872-1378
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Frederick M. Hoover

MTC-00032464

From: William Bryant
To: Ms. Renata Hesse
Date: 1/9/02 12:50pm
Subject: Microsoft Settlement
William Bryant
6681 Gasparilla Pines Blvd
Englewood, FL 34224
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely, Bill Bryant
W.P. Bryant, Jr.

MTC-00032465

From: jerry ellis
To: Ms. Renata Hesse
Date: 1/9/02 12:58pm
Subject: Microsoft Settlement
jerry ellis
180 NE IZETT ST. #A1
Oak Harbor, wa 98277
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
jerry ellis

MTC-00032466

From: Donald Slater
To: Ms. Renata Hesse
Date: 1/9/02 12:59pm
Subject: Microsoft Settlement
Donald Slater
250 Galesburg Dr.
Lawrenceville, GA 30044
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Donald Slater

MTC-00032467

From: Kenneth Golden
To: Ms. Renata Hesse
Date: 1/9/02 1:02pm
Subject: Microsoft Settlement
Kenneth Golden
1612 Harvard Woods Dr.2810
Brandon , Fl 33511-2095
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Kenneth Golden

MTC-00032468

From: gandamartin
To: Microsoft ATR
Date: 1/9/02 1:08pm
Subject: Microsoft Settlement

As two tax-paying citizens, we believe that the resources of the Justice Dept can be put to better use than pursuing Microsoft.

Thank you,
Mr & Mrs Gene Martin

MTC-00032469

From: George Klages
To: Ms. Renata Hesse
Date: 1/9/02 1:08pm
Subject: Microsoft Settlement
George Klages
Rt 1 Box 1680
Fresno, TX 77545
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
George Klages

MTC-00032470

From: Dorothy Dixon
To: Ms. Renata Hesse
Date: 1/9/02 1:11pm
Subject: Microsoft Settlement
Dorothy Dixon
3005 Cottonwood Court
Rowlett, TX 75088-5656
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Dorothy Dixon

MTC-00032471

From: James Feild
To: Ms. Renata Hesse
Date: 1/9/02 1:17pm
Subject: Microsoft Settlement
James Feild
2240 Sharon Rd
Menlo Park, CA 94025
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

J. David Feild

MTC-00032473

From: pankavichjm
To: Microsoft ATR
Date: 1/9/02 1:28pm
Subject: Microsoft Settlement

I believe that the it is in the public interest to settle with the Microsoft litigation. Personally, I find it hard to see how they were in violation at all. As far as I am concerned I always had the choice of using them or not.

However, I do believe that AOL is in some kind of violation in this respect. Whenever I load a program that also offers AOL I refuse the AOL but no matter I still get their program on my screen and it does start to load. I also think that they are in violation when they include free programs in cereals, etc. and send them through the mail. They are bordering on being a nuisance.

Joan M. Pankavich

MTC-00032474

From: James Franke
To: Ms. Renata Hesse
Date: 1/9/02 1:30pm
Subject: Microsoft Settlement
James Franke
238 Kilkenny Court
Ann Arbor, MI 48103
January 9, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James A. Franke

MTC-00032475

From: Mervin Waed
To: Ms. Renata Hesse
Date: 1/9/02 2:06pm
Subject: Microsoft Settlement
Mervin Waed
1 Margate Ct.
Lewes, DE 19958
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Mervin C. Ward

MTC-00032476

From: W.Lawrence Kimber
To: Microsoft Settlement
Date: 1/9/02 2:09pm
Subject: Microsoft Settlement
W.Lawrence Kimber
106 Elmwood Ave.
East Aurora, NY 14052-2612
January 9, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies. Thank you for this opportunity to share my views.

Sincerely,
W.Lawrence Kimber

MTC-00032477

From: porium.net@wolverine.
capwiz.com@inetgw
To: Ms. Renata Hesse
Date: 1/9/02 2:12pm
Subject: Microsoft Settlement
ALBERT HUDDY
3100 POINT CLEAR DR.
TEGA CAY, SC 29708
January 9, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
ALBERT D. HUDDY

MTC-00032478

From: Gregory Schopf
To: Ms. Renata Hesse
Date: 1/9/02 2:16pm
Subject: Microsoft Settlement
Gregory Schopf
1096 Lincoln Ave
Fennimore, WI 53809
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Gregory Schopf

MTC-00032479

From: Carol Iossa
To: Ms. Renata Hesse
Date: 1/9/02 2:19pm
Subject: Microsoft Settlement
Carol Iossa
R.R. 1 Box 3130
Jonesport, ME 04649-9709
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Carol H. Iossa

MTC-00032480

From: John Oubre
To: Ms. Renata Hesse
Date: 1/9/02 2:21pm
Subject: Microsoft Settlement
John Oubre
3721 Sleepy Hollow Lane
Port St. Lucie, FL 34952
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs

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Sincerely,
John B. Oubre

MTC-00032481

From: Jacilyn Cox
To: Ms. Renata Hesse
Date: 1/9/02 2:35pm
Subject: Microsoft Settlement
Jacilyn Cox
6177 S.R. 258 S.W.
Newcomerstown, OH 43832
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse: I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jacilyn Cox

MTC-00032482

From: Michael Burke
To: Ms. Renata Hesse
Date: 1/9/02 2:52pm
Subject: Microsoft Settlement
Michael Burke
P. O. Box 2624
Grand Junction, CO 81502-2624
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Michael Burke

MTC-00032483

From: Mike Welling
To: Ms. Renata Hesse
Date: 1/9/02 3:00pm
Subject: Microsoft Settlement
Mike Welling
2208 Pennington Dr.
Arlington, TX 76014-3512
January 9, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mike Welling

MTC-00032484

From: Martin Spielman
To: Ms. Renata Hesse
Date: 1/9/02 3:17pm
Subject: Microsoft Settlement
Martin Spielman
8 Monaghan Road
Edison, NJ 08817-4122
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Martin J Spielman

MTC-00032485

From: James Carpenter
To: Ms. Renata Hesse
Date: 1/9/02 3:19pm
Subject: Microsoft Settlement
James Carpenter
4922 Del Rio Trl.
Wichita Falls, TX 76310-1431
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
James A. Carpenter, Jr.

MTC-00032486

From: Barbara Robken
To: Ms. Renata Hesse
Date: 1/9/02 3:20pm
Subject: Microsoft Settlement
Barbara Robken
2800 Andover Ave
Midland, TX 79705-3201
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Barbara Robken

MTC-00032487

From: HUGH M. FLYNN
To: Ms. Renata Hesse
Date: 1/9/02 3:22 pm
Subject: Microsoft Settlement
HUGH M. FLYNN
3849 Lucas Ct.
Simi Valley, CA 93063
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
HUGH M. FLYNN

MTC-00032488

From: Donald Horneff
To: Ms. Renata Hesse
Date: 1/9/02 3:35 pm
Subject: Microsoft Settlement
Donald Horneff
606 State St
Tama, IA 52339-1927
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Don Horneff

MTC-00032490

From: Donald Leui
To: Ms. Renata Hesse
Date: 1/9/02 3:43pm
Subject: Microsoft Settlement
Donald Leui
HC 1 Box 55
Martin, SD 57551

January 9, 2002

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

Ms. Hesse:

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Donald Leui

MTC-00032491

From: Eileen Flynn
To: Ms. Renata Hesse
Date: 1/9/02 3:48 pm
Subject: Microsoft Settlement
Eileen Flynn
411 Seventh Ave
Indialantic, FL 32903-4337
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Eileen Flynn

MTC-00032492

From: Roger Daigger
To: Ms. Renata Hesse
Date: 1/9/02 3:58pm
Subject: Microsoft Settlement
Roger Daigger
15814 Stagecoach Rd.
Magnolia, Tx 77355
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Roger & Dolores Daigler

MTC-00032493

From: Vivienne Erk
To: Ms. Renata Hesse
Date: 1/9/02 4:14pm
Subject: Microsoft Settlement
Vivienne Erk
878 Macopin Road
West Milford, NJ 07480
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Vivienne Erk

MTC-00032494

From: Cliff Cofer
To: Ms. Renata Hesse
Date: 1/9/02 4:19pm
Subject: Microsoft Settlement
Cliff Cofer
726 8th Street
West Des Moines, IA 50265-3636
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Cliff Cofer

MTC-00032495

From: Richard Taylor
To: Ms. Renata Hesse
Date: 1/9/02 4:36pm
Subject: Microsoft Settlement
Richard Taylor
4620 Tincher Road
Indy, IN 46221-3778
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Richard L. Taylor

MTC-00032496

From: Victoria Manes
To: Ms. Renata Hesse
Date: 1/9/02 4:46pm
Subject: Microsoft Settlement
Victoria Manes

2528 N Champlain Ave
Tempe, AZ 85281
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Victoria Manes

MTC-00032497

From: Victoria Manes
To: Ms. Renata Hesse
Date: 1/9/02 4:46pm
Subject: Microsoft Settlement
Victoria Manes
2528 N Champlain Ave
Tempe, AZ 85281
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
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Sincerely,
Victoria Manes

MTC-00032498

From: Joan Walsh
To: Ms. Renata Hesse
Date: 1/9/02 4:57pm
Subject: Microsoft Settlement
Joan Walsh
5459 E 4th St
Long Beach, CA 90814-1925
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,
Joan Allen Walsh

MTC-00032499

From: Felix Knebel
To: Ms. Renata Hesse
Date: 1/9/02 5:03pm
Subject: Microsoft Settlement
Felix Knebel
17264 Tam O'Shanter Dr.
Poway, CA 92064-1323
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Felix Knebel, Jr.

MTC-00032501

From: Ralph Hudson
To: Ms. Renata Hesse
Date: 1/9/02 5:25pm
Subject: Microsoft Settlement
Ralph Hudson
116 Jordan Circle
Garner, NC 27529-7953
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Ralph Hudson

MTC-00032502

From: Jim Poulton
To: Microsoft ATR
Date: 1/9/02 5:38pm
Subject: Retired USAF SWBell union memeber & MS Stockholder

Is our government stupid?

Quit screwing with the brightest light in our economy.

If any other nation in the world had Microsoft in their country they would back them to the limit. Only because our country allows foreign lobbyists and because we have so many other multi-national companies bribing our officials do we have this problem. Support the USA and our workers and KNOCK IT OFF!

James Poulton
USAF (retired) MSgt
214-902-8996

MTC-00032503

From: Robert Arnold Isley
To: Ms. Renata Hesse
Date: 1/9/02 5:46pm
Subject: Microsoft Settlement
Robert Arnold Isley
2500 Bangor Ct
Snellville, GA 30078
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
R. Arnold Isley

MTC-00032504

From: Steven Brown
To: Ms. Renata Hesse
Date: 1/9/02 6:05pm
Subject: Microsoft Settlement
Steven Brown
504 Sleepy Meadow Drive
MOUNT VERNON, mo 65712
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Steven Brown

MTC-00032505

From: Howard George
To: Ms. Renata Hesse
Date: 1/9/02 6:07pm
Subject: Microsoft Settlement
Howard George
5305 Water Point Drive
Memphis, tn 38141
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Howard George

MTC-00032506

From: Charles Boyette
To: Ms. Renata Hesse
Date: 1/9/02 6:36pm
Subject: Microsoft Settlement
Charles Boyette
274 Steens Road
Steens, MS 39766
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Charles E. Boyette

MTC-00032507

From: MR.AND MRS.ROBERT NELSON
To: Ms. Renata Hesse
Date: 1/9/02 6:38pm
Subject: Microsoft Settlement
MR.AND MRS.ROBERT NELSON
7582 HICKAM AVE.
LAS VEGAS, NV 89129
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

NELSON, ROBERT H. AND MARY L.

MTC-00032508

From: Jahorlick@cs.com@inetgw
To: Microsoft ATR
Date: 1/9/02 7:33pm
Subject: Microsoft Settlement

To whom it may concern.

I generally do not write E-mails on the behalf of big business. But I find this whole Microsoft saga disturbing. I do not agree with the idea that Microsoft should be punished or broken up. I think that Microsoft is an industry leader, in part because of its aggressive and forward thinking business practices, vital for competition in a very competitive market. I for one am thankful for

what Microsoft has done. I think that the tremendous advances in computer technology can be attributed to Microsoft.

I can assure you that if another company comes out with a product that I read about or try and find it that I like it better than Microsoft's version, I would certainly buy the product that I liked.

If Microsoft feels that this latest judgment is fair, then I would have to agree.

Thank you for your time. John Horlick

MTC-00032509

From: Edward Evanko
To: Ms. Renata Hesse
Date: 1/9/02 8:33pm
Subject: Microsoft Settlement
Edward Evanko
1885 Military Ave
Seaside, CA 93955
January 9, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Edward P. Evanko

MTC-00032510

From: Raymond Bauer
To: Ms. Renata Hesse
Date: 1/9/02 9:14pm
Subject: Microsoft Settlement
Raymond Bauer
13763 Eureka Drive
Magalia, CA 95954
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Dr. Raymond Bauer

MTC-00032511

From: Robert & June Stone
To: Ms. Renata Hesse
Date: 1/9/02 9:18pm
Subject: Microsoft Settlement
Robert & June Stone
28120 Avenida Maravilla
Cathedral City, CA 92234-3771
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Robert & June Stone

MTC-00032512

From: John Green
To: Ms. Renata Hesse
Date: 1/9/02 9:40pm
Subject: Microsoft Settlement
John Green
2125 Elanita Dr.
San Pedro, CA 90732-4433
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
John Green

MTC-00032513

From: mercury@crossroadz.com.au@inetgw
To: Microsoft ATR
Date: 1/10/02 1:10am
Subject: Microsoft Settlement

The proposed settlement of the M\$ anti trust action represents a complete failure of the current laws to protect consumers & ensure a level playing field for competition.

Microsoft failed to abide by the original judgement against them, has clearly continued their anti competitive behaviour and has now taken that behaviour to even higher levels with the release of Windows XP.

The issues with XP are far wider & more serious than any previous behaviour & this behaviour is apparently now being condoned by this settlement which provides M\$ with a platform to further promote their products over any alternatives.

Within Australia the pricing issues alone are beyond belief. US Court evidence indicated 50% overcharging of consumers, with exchange rates taken into account the overcharging in Australia has been 200% and now with XP, the removal of Domain login from the basic/home version of the operating system, small business will be forced to move from a \$A400 operating system to an \$A660 operating system. Some 80% of small business is affected & the cost worldwide will run into \$USBillions. The pricing of the M\$ component of any PC price has risen in a market of dramatically increasing volumes, the opposite of normal market behaviour where shipment volumes increase.

This has been possible due to the monopoly position. In some cases the M\$ component is now 50% of PC manufacturing Price. There is also an element of using US PC manufacturers to engage in product dumping into the international market to the detriment of international PC assemblers. The court evidence indicates some US manufacturers purchased NT4 Operating System at \$US20 where local manufacturers in Australia were being charged \$A320 (\$US160) The schools concerned could utilise free open source software rather than waste money on M\$ software & thus free up resources for additional hardware or teaching resources.

Throughout the current case M\$ has been clearly in contempt of the courts in their actions which have been designed to ensure that it was not possible to recall or change products in the field with the browser (as distinct from the HTML rendering engine & communications utilities) embedded in the Operating Systems. The W98SE & Windows ME releases along with various Browser updates have been dubbed "The DOJ releases" with good reason. This case has been a classic example of how a Corporation can use delaying tactics in the courts to their advantage & profit from those tactics.

This proposal for settlement should be withdrawn and a regime which ensures an open standards interface approach is adopted with full disclosure of all API's for application services & network services put in it's place. Penalties which reflect the magnitude of the crime and recover the revenue improperly gained by M\$ during the case should also be put in place In addition to the above a public list of areas in which people believe M\$ has/is acting improperly should be initiated. There are numerous areas in which this has been the case & the current case has only brushed the surface. A public list/discussion board is the only way in which the technical details of how M\$ has acted anticompetitively will ever be fully disclosed or determined.

Competition law will not be treated with any respect by Corporations unless this settlement is revised

Wayne Carruthers

MTC-00032514

From: Francis Bittel

To: Ms. Renata Hesse
Date: 1/10/02 4:50am
Subject: Microsoft Settlement
Francis Bittel
2471 Jennifer Drive
Poland, Oh 44514
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Francis J Bittel

MTC-00032515

From: Tom Friedman
To: Ms. Renata Hesse
Date: 1/10/02 5:19am
Subject: Microsoft Settlement
Tom Friedman
25 Whispering Spring Dr.
Pisgah Forest, , NC 28768-9502
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Tom Friedman

MTC-00032516

From: Bob White
To: Ms. Renata Hesse
Date: 1/10/02 5:25am
Subject: Microsoft Settlement
Bob White
9774 Hidden Cross
San Antonio, TX 78250-4817
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Bob White

MTC-00032517

From: Christopher Perdue
To: Ms. Renata Hesse
Date: 1/10/02 5:36am
Subject: Microsoft Settlement
Christopher Perdue
1509 Carmel Road
Charlotte, NC 28226-5013
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Christopher Perdue

MTC-00032518

From: Kevin Sipes
To: Ms. Renata Hesse
Date: 1/10/02 6:08am
Subject: Microsoft Settlement
Kevin Sipes
2602 camarie Ave
Midland, TX 79705
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Kevin Sipes

MTC-00032519

From: George F Kovacs
To: Ms. Renata Hesse
Date: 1/10/02 6:25am
Subject: Microsoft Settlement
George F Kovacs
255 E. Baltimore St.
Taneytown, MD 21787-2235
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
gfkovacs@hotmail.com

MTC-00032520

From: Rick Rund

To: Ms. Renata Hesse
Date: 1/10/02 6:36am
Subject: Microsoft Settlement
Rick Rund
POB 1409 260 No. Gulling
Portola, Ca 96122-1409
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Rick Rund

MTC-00032521

From: Diane Sosebee
To: Ms. Renata Hesse
Date: 1/10/02 7:03am
Subject: Microsoft Settlement
Diane Sosebee
103 McMillan St.
Evergreen, AL 36401
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,
Diane S. Sosebee

MTC-00032522

From: Mike Strain
To: Ms. Renata Hesse
Date: 1/10/02 7:27am
Subject: Microsoft Settlement
Mike Strain
30665 Old Hwy 395
Escondido, ca 92026
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Mike Strain

MTC-00032523

From: Tracy Stone
To: Ms. Renata Hesse
Date: 1/10/02 7:35am
Subject: Microsoft Settlement
Tracy Stone
101 Savannah Drive
Matthews, NC 28105-6539
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Tracy Stone

MTC-00032524

From: David Zickefoose
To: Ms. Renata Hesse
Date: 1/10/02 7:52am
Subject: Microsoft Settlement
David Zickefoose
10314 Washington Drive
Omaha, NE 68127
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
David C. Zickefoose

MTC-00032526

From: Delmonte, Tom
To: Microsoft ATR
Date: 1/10/02 8:18am

First of all thank you for allowing us to voice our concerns.

My main focus is the pattern that Microsoft has exhibited over the 15 years that I have been involved in the IT arena.

The first negative experience was one which happened with a company called Stacker, in which it was proved that Microsoft had illegally used their file compression scheme, by the time the issue

was settled the company no longer was viable and in fact is no longer in existence.

The next example is the competition between Microsoft and Netscape and how in a variety of actions which I am sure you are familiar made the company loose most of it's relevance in the PC arena, it still has a presence in the Linux arena, but that may change as well depending on how Microsoft handles that or is allowed to handle that arena in the future.

The main problem I see is one of ethical behavior, they do push the limits and go beyond as in the Stacker case in every area that they see is important, and one may think that this is how business is done, the stronger survive. But when it is at the cost of innovation by individuals or small concerns, which Microsoft is eliminating more and more due to it's size and influence, I think that the American public and entrepreneurs have lost incredible opportunities due to what I consider predatory behavior.

The level of excitement due to opportunities available to individuals in the 1980's was palpable across the whole Silicon Valley in which I worked at the time, as the 1990's approached this level of entrepreneurship decreased steadily.

Some of it is due to the maturing of the industry, some of it due to standardization all of which are good. But much of it has to do with Microsoft getting involved in so many areas of the personal computer arena that it left less and less space for the smaller less financially endowed institutions to contribute to the progress of a field that still has wonderful opportunities if this level of entrepreneurship is allowed to flourish again.

Unfortunately much of this has been squelched in the US, but with the arrival of Linux and what it can contribute and has contributed from many areas across the globe there is some activity in this entrepreneur-friendly environment that has received a lot of focus in the last couple of years.

I would suggest that the American technologists would be much more interested in putting an effort again into the IT arena if a more favorable environment was fostered by curtailing some of the more obvious actions that Microsoft has taken, and I am sure that that venture capitalists would support this effort since the rewards are still very high.

What I would suggest is to split the company into separate entities in all senses, applications and operating systems are two of the ones that have been suggested.

And if Microsoft wants to enter a new arena in the computer industry (and that has to be based on a well-defined criteria) then the amount of money they can put in that concern cannot be more than the best financed institution that is already present in that arena. If none are in existence a criteria for that has to be established as well, so that other can compete on equal footing.

Once that concern is established Microsoft cannot contribute any further funds, otherwise it would perpetually be competing in an arena even it's efforts were not successful, creating an artificial concern and hampering competitiveness.

If the company failed they should not be permitted to enter that arena for a pre-

specified amount of time, to allow those who had good ideas to flourish without the annoyance of having another company artificially affecting the competitive environment to that specific arena.

I understand that this may have a short-term (1–2 years) effect on the economy, but the long-term effects would be a healthy, creative, growing and dominating industry for the US.

Tom Delmonte

WorldCom—Revenue & Segment Reporting

E-mail: tom.delmonte@wcom.com

Voice: (719) 535–1562

vnet: 622–1562

MTC-00032527

From: Michelle Alley

To: Ms. Renata Hesse

Date: 1/10/02 9:16am

Subject: Microsoft Settlement

Michelle Alley

27720 Riverwalk Way

Bonita Springs, FL 34134

January 10, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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Sincerely,

Michelle Alley

MTC-00032528

From: Robert Nuzum

To: Ms. Renata Hesse

Date: 1/10/02 9:26am

Subject: Microsoft Settlement

Robert Nuzum

2236 Gulf to Bay Blvd. #332

Clearwater, fl 33765

January 10, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Robert Nuzum

MTC-00032529

From: Sam Heath

To: Microsoft ATR

Date: 1/10/02 9:58am

Subject: Microsoft settlement

It is definitely time to put a stop to this nonsense about Microsoft!

Sam Heath

dheath@lightspeed.net

MTC-00032530

From: Pat Suter

To: Ms. Renata Hesse

Date: 1/10/02 10:18am

Subject: Microsoft Settlement

Pat Suter

30 West Gibbons St.

Linden, NJ 07036–4052

January 10, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

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Sincerely,
Pat Suter

MTC-00032531

From: Thomas E. Strickland
To: Microsoft ATR
Date: 1/10/02 10:30am
Subject: Microsoft Settlement

Putting this Reno farce behind us is long overdue.

MTC-00032532

From: Milton Becker
To: Ms. Renata Hesse
Date: 1/10/02 11:01am

Subject: Microsoft Settlement
Milton Becker
335 Schooner Ave
Edgewater, Fl 32141
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Milton A Becker

MTC-00032533

From: Francis Johnson
To: Microsoft ATR
Date: 1/10/02 11:11am
Subject: Microsoft settlement

I have tried to follow the Microsoft case as much as possible and I am appalled with the DOJ for settling that easily. The law states that Microsoft broke the law, why does the punishment not fit the crime. As an individual on the street I start drawing my own conclusions. Did Microsoft pay off somebody etc? When IBM was found guilty of monopoly, they were dealt with accordingly and they could not profit from their business.

When Southwestern Bell (I forget what it was called) was a monopoly, it was dealt with too. Why is the DoJ afraid of dealing with Microsoft. Wrong is wrong.

The proposed settlement is an insult to the "poor under privileged schools." I could understand if Microsoft offered to make all these schools top of the art with new technology/hardware etc. But to offer outdated hardware/software!, all they are doing is using the schools as trash cans, because they have nowhere to put their junk. "give it to them under privileged schools, they should be grateful", and the worst part the DoJ accepted this. This is the United States for pete's sake. we are supposed to offer justice for all. Stop this atrocious settlement.

I use Windows software on my pc and I appreciate the software, it is good and to most extent reliable and easy to use (if you know what you are doing). But I do not think that should get Microsoft special favors/treatment. DoJ act like a department of Justice and not like somebody's lacky.

You read almost everyday that Microsoft is doing something bad here or there. This will continue until someone says "The Buck Stops Here Microsoft, enough is enough". A good example is a simple poll. They tried to rig a poll so that it looks like people want Microsoft, having people voting multiple times, how low can a company go to wipe out competition. Microsoft cannot stand that people like something else other than Microsoft, they are now like dictator governments "Its our way or noones".

DoJ clean up your act and do the right thing.

THANK YOU
FRANCIS
CC:xau99@yahoo.com@inetgw

MTC-00032534

From: EVAN LEE
To: microsoft.atr
Date: 1/10/02 12:13pm
Subject: Microsoft Settlement
DOJ Anti-Trust Division:

I am deeply troubled by the recent DOJ decision to settle the anti-trust case against

Microsoft. Guilty or not, Microsoft is the most dominating presence in the operating system and the software market today. For years they have bought out or pushed out competition not by superiority of the software, but by money and lawyers.

Microsoft does not promote fair competition, their goal seem to be eliminate all competition. Every new technology or company comes up with new and cheaper ways that benefits customers have been targeted by Microsoft as enemies. I do not believe behaviors such as this will be curbed by this settlement, if anything else this gives Microsoft more confidence to destroy their competitors, because what's the worst that will happen? a slap on the hand to microsoft.

What will this settlement accomplish? by making microsoft providing computers to poor schools in the country? How will this punish microsoft? All they have to do is buy in mass quantity refurbished computers which manufactures are gladly to get rid of. The software of course will be windows. This will not punish microsoft, instead it helps them breaking in to previously Mac dominated education market share. This settlement is not punishing Microsoft, it is helping them gaining publicity and market share.

It is amazing to me that this case started hard and heavy in the late 90s when microsoft had no presence in washington. but it ended with less of a whimper after microsoft dumped millions if not billions of dollars in to washington's political arena. I believe this is the wrong decision by the DOJ to settle with Microsoft, and their monopoly will only get worse... I fear the day that Microsoft conquers all.

Evan Lee

Disturbed Computer User

MTC-00032536

From: Marty French
To: Ms. Renata Hesse
Date: 1/10/02 12:28pm
Subject: Microsoft Settlement
Marty French
2300 Bristol Dr.
Carrollton, Tx 75006
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Marty French

MTC-00032537

From: Byron Major
To: Microsoft ATR
Date: 1/10/02 1:08pm
Subject: Microsoft

Attorney General John Ashcroft,
I support the settlement of the Microsoft Suit. As a person who works in the computer industry, I would encourage this settlement.

V/R Byron K. Major

MTC-00032538

From: Paul Hilliar
To: Ms. Renata B. Heese
Date: 1/10/02 2:01pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorney general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Paul Hilliar

2511 17th St. NW

Washington, DC 20009-2801

CC: Citizens for a Sound Economy

MTC-00032539

From: RTPaeschke@aol.com@inetgw
To: Microsoft ATR
Date: 1/10/02 2:13pm
Subject: Microsoft Settlement

I don't believe the public is served when judicial oversight or legislation is made to stifle companies that create technology to the degree that Microsoft has. The main reason we have this predicament in my opinion, is that "weakened" competitors like AOL, SUN Micro, et.al., and their legal teams purposely sought remedy through the courts as a viable competitive marketing tactic. Unfortunately for the consumer, these "do-gooders" have influenced the justice system to prosecute Microsoft for being successful. The band-wagon effect in this is huge with lobbyists, lawyers and those "weakened" competitors all reaping employment and huge sums of money. And then there is Microsoft, trying to exist by selling what we all agree are a great series of products addressing consumer preferences and providing what the market demands, and being punished for being successful at it. RTP.

MTC-00032540

From: Erick Gustafson
To: Ms. Renata B. Heese
Date: 1/10/02 2:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Erick Gustafson
910 Constitution Avenue, NE
Washington, DC 20002-6202
CC: Citizens for a Sound Economy

MTC-00032541

From: Bob Walker
To: Ms. Renata B. Heese
Date: 1/10/02 2:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bob Walker
420 Seward Sq. SE
Washington, DC 20003-1112
CC: Citizens for a Sound Economy

MTC-00032542

From: Ross Marzolf
To: Ms. Renata B. Heese
Date: 1/10/02 2:17pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ross Marzolf
419 19th Avenue E., #6
Seattle, WA 98112-5344
CC: Citizens for a Sound Economy

MTC-00032543

From: Jennifer Hamann
To: Ms. Renata B. Heese
Date: 1/10/02 2:20pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jennifer Hamann
5891 1st Street, North
Arlington, VA 22203-1101
CC: Citizens for a Sound Economy

MTC-00032544

From: Bud Thomas
To: Ms. Renata B. Heese
Date: 1/10/02 2:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bud Thomas
6 Edward Dr
Orchard Park, NY 14127-3957

CC: Citizens for a Sound Economy

MTC-00032545

From: Rob Jordan
To: Ms. Renata B. Heese
Date: 1/10/02 2:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Rob Jordan
1301 S. Monroe St.
Arlington, VA 22204-4220

CC: Citizens for a Sound Economy

MTC-00032546

From: Andrew Smith
To: Ms. Renata B. Heese
Date: 1/10/02 2:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Andrew Smith
1953 Columbia Pike, Apt. 42
Arlington, VA 22204-6149

CC: Citizens for a Sound Economy

MTC-00032547

From: Andrew McElroy
To: Ms. Renata B. Heese
Date: 1/10/02 2:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Andrew McElroy
710 N. Oakland St.
Arlington, VA 22203-2223

CC: Citizens for a Sound Economy

MTC-00032548

From: John Baitinger, Sr.
To: Microsoft Settlement
Date: 1/10/02 2:46pm
Subject: Microsoft Settlement
John Baitinger, Sr.

P.O.Box 171

Alloway, NJ 08001-0171

January 10, 2002

Microsoft Settlement

U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation. Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,

John S. Baitinger, Sr.

MTC-00032549

From: stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/10/02 2:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 stephen Flaherty
 801 South Pitt Street
 Alexandria, VA 22314-4369
 CC: Citizens for a Sound Economy

MTC-00032550

From: Robert Pratt
 To: Ms. Renata B. Heese
 Date: 1/10/02 2:58pm
 Subject: Microsoft Anit-Trust issue settlement

Dear Ms. Heese:

Your support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation is important.

The settlement is fair and will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

The opposition to the settlement from a small group of political bodies is nothing more than a power-grab and is not in the interest of the American tax payer.

Respectfully,
 Robert Pratt
 PO Box 5282
 Lubbock, TX 79408-5282
 CC: Citizens for a Sound Economy

MTC-00032551

From: Margaret Schlosser
 To: Department of Justice
 Date: 1/10/02 2:59pm
 Subject: Microsoft Settlement

I am non-plussed at the supposed "remedy" for Microsoft wrong-doing. The "remedy" is to enforce that Microsoft products are given even MORE exposure than previously?? This would give Microsoft an unfair advantage in the National School System.

Microsoft is not, nor ever will be, remorseful in any way. Indeed, the same practices (proprietary) practiced previously, were practiced throughout the Anti-Trust process.

By cloaking it's every pronouncement with "for the good of the Consumers" Microsoft sought to influence everyone that any judgement against Microsoft was anti-consumer and bad for consumers. With the huge market share enjoyed by Microsoft, it's even MORE incumbent upon them to play fair.

This news indicates that Microsoft still seeks to impose it's standards over those of any other company by foul means, rather than fair.

In December, Java was more popular than .Net for building Web services, according to a ZDNet UK poll, but weeks later the position had dramatically reversed; investigation revealed just what lengths Microsoft will go to to promote its products

Microsoft's .Net Web services technology appeared to experience a sudden massive boost in popularity over its rival Java, according to a poll run by ZDNet UK.

By 21 December, more than two-thirds of the respondents (69.5 percent), said they planned to deliver some applications by Web services by the end of 2002, with a large majority of those (nearly half the total sample) planning to use Java. Only 21.5 percent said they planned to use Microsoft .Net—less than the figure (23.5 percent) planning to use neither.

But by the time the poll closed, on 5 January, the position had dramatically changed, with three quarters of voters claiming to be implementing .Net. This apparent sudden change of heart over the Christmas period appears to be the result of a concerted campaign within Microsoft.

ZDNet UK logs reveal rather obvious vote rigging, and prove that it originated from within Microsoft:

A very high percentage of voters are from within the microsoft.com domain.

There is a very high incidence of people attempting to cast multiple votes, even though the poll script blocked out most attempts at multiple voting. The one that wins the prize made 228 attempts to vote. This person was from within the microsoft.com domain.

I submit that the following is as true today as it was in the beginning of the Anti-Trust case:

<http://www.nytimes.com/2001/09/07/opinion/07FRI1.html>

The brunt of the case against Microsoft entailed coercive behavior by the company to force Internet service providers and computer makers to favor Microsoft's browser over Netscape's. Competitors are now complaining of similar behavior by Microsoft to use its Windows monopoly to immunize its newer products from real competition. Just last week European Union antitrust regulators initiated an inquiry into these claims.

In its announcement yesterday, the Justice Department appeared to acknowledge the urgent need for a change in Microsoft's conduct. In addition to calling for "prompt, effective and certain relief for consumers," it said it would use a period of expedited discovery to "investigate development in the industry since the trial concluded, and to evaluate whether additional conduct-related provisions are necessary."

Microsoft has a track record of showing little appreciation in its business dealings for the magnitude of the legal rulings against it. That is all the more reason for the government to remain on the case as the company aggressively seeks to become as dominant a platform for all Internet services as it currently is for PC software.

There is much more evidence out there..the DOJ should make every effort to right wrongs in this case. Please don't short-cut this issue due to the war on Terrorism.

M.Schlosser
 Bethany Beach, DE

MTC-00032552

From: Elizabeth Bookspan
 To: Ms. Renata B. Heese
 Date: 1/10/02 3:17pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Elizabeth Bookspan
 8620 114th Ave NE
 Kirkland, WA 98033-5719
 CC: Citizens for a Sound Economy

MTC-00032553

From: Jason Hagglund
 To: Ms. Renata B. Heese
 Date: 1/10/02 3:18pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jason Hagglund
5907 N. Wall
Spokane, WA 99205-6441
CC: Citizens for a Sound Economy

MTC-00032554

From: Betty Ramey
To: Ms. Renata B. Heese
Date: 1/10/02 3:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Betty Ramey
4760 NW 63rd Terrace
Bell, FL 32619-3823
CC: Citizens for a Sound Economy

MTC-00032555

From: Harry Hintz
To: Ms. Renata B. Heese
Date: 1/10/02 3:57pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Hintz
5306 Overtop Lane
Raleigh, NC 27613-5550
CC: Citizens for a Sound Economy

MTC-00032556

From: Sean Comery
To: Ms. Renata B. Heese
Date: 1/10/02 4:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sean Comery
630 F St

533
San Diego, CA 92101-6310
CC: Citizens for a Sound Economy

MTC-00032557

From: David Palmer
To: Ms. Renata B. Heese
Date: 1/10/02 4:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David M. Palmer
3515 Mill Creek Road
The Dalles, OR 97058-1237
CC: Citizens for a Sound Economy

MTC-00032558

From: James Short
To: Ms. Renata B. Heese
Date: 1/10/02 4:41pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Short
8260 53rd Ave W. #305
Mukilteo Wa., WA 98275-2672
CC: Citizens for a Sound Economy

MTC-00032559

From: Vivian and William Henderson
To: Ms. Renata B. Heese
Date: 1/10/02 4:48pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Vivian and William Henderson
PO Box 2133
5230 SE Sedgwick Rd
Port Orchard, WA 98366-0769
CC: Citizens for a Sound Economy

MTC-00032560

From: Gerald Vinella
To: Ms. Renata B. Heese
Date: 1/10/02 4:55pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gerald Vinella
1330 Noah Rd
N. Brunswick, NJ 08902-1321
CC: Citizens for a Sound Economy

MTC-00032561

From: Leona Bochantin
To: Ms. Renata Hesse
Date: 1/10/02 5:13pm
Subject: Microsoft Settlement
Leona Bochantin
5373 Butler Hill Estates Dr.
St Louis, Mo 63128-3721
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties

worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. Sincerely,
Leona Bochantin

MTC-00032562

From: Geri and Bob Modrell
To: Ms. Renata B. Heese
Date: 1/10/02 6:01pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's

Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Geri and Bob Modrell
11014 19th Avenue SE PMB 59
Everett, WA 98208-7600
CC: Citizens for a Sound Economy

MTC-00032563

From: Stephen Koehler
To: Ms. Renata Hesse
Date: 1/10/02 6:38pm
Subject: Microsoft Settlement
Stephen Koehler
2703 Sycamore Woods Ct
Louisville, KY 40241-6293
January 10, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's

programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Stephen R. Koehler

MTC-00032564

From: Gary Evenson
To: Ms. Renata B. Heese
Date: 1/10/02 7:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the

availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Evenson
6314 40th st nw
Gig Harbor, WA 98335-7245
CC: Citizens for a Sound Economy

MTC-00032565

From: Peggy Venable
To: Ms. Renata B. Heese
Date: 1/10/02 8:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Peggy Venable
13419 Wisterwood
Austin, TX 78729-1941
CC: Citizens for a Sound Economy

MTC-00032566

From: Stony Rushing
To: Ms. Renata B. Heese
Date: 1/10/02 8:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of

Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Stony Rushing
3810 Belk Mill Rd
Wingate, NC 28174-8760
CC: Citizens for a Sound Economy

MTC-00032567

From: Erthel Hines
To: Ms. Renata Hesse
Date: 1/10/02 11:06pm
Subject: Microsoft Settlement
Erthel Hines
405 Meadowood Street
Greensboro, NC 27409
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Respectfully,
Erthel Hines

MTC-00032568

From: Wes Alexander
To: Ms. Renata B. Heese
Date: 1/11/02 2:12am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Wes Alexander
5248 Manitu Ct
Lilburn, GA 30047-5331
CC: Citizens for a Sound Economy

MTC-00032569

From: Charles L. Kaufman
To: attorney general
Date: 1/11/02 2:33am
Subject: Microsoft Settlement

Hello—

I am writing because I believe that the deal arranged by the U.S. government and Microsoft is a BAD deal for all us consumers.

Microsoft is a criminal company and is a danger to U.S commerce and the future of computing.

I believe it would be in the best interest if Microsoft was broken up into different competing companies.

F. Frank
24200 Sw Yew Wood Ln
Hillsboro, OR 97123

MTC-00032570

From: Bill Turenne
To: Ms. Renata B. Heese
Date: 1/11/02 5:30am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bill Turenne
814 C Jefferson Street
Alexandria, VA 22314-4255
CC: Citizens for a Sound Economy

MTC-00032571

From: Jennifer Garcia
To: Ms. Renata B. Heese
Date: 1/11/02 5:50am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jennifer Garcia
PO Box 1090
Delray Beach, FL 33447-1090
CC: Citizens for a Sound Economy

MTC-00032572

From: Kenneth Sheffert
To: Ms. Renata B. Heese
Date: 1/11/02 6:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kenneth Sheffert
24 Mill Rd
Hampton, NH 03842-2237
CC: Citizens for a Sound Economy

MTC-00032573

From: Heath Heikkila
To: Ms. Renata B. Heese
Date: 1/11/02 6:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Heath Heikkila
1301 S Monroe St
Arlington, VA 22204-4220
CC: Citizens for a Sound Economy

MTC-00032574

From: Danielle Doane
To: Ms. Renata B. Heese
Date: 1/11/02 7:42am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Danielle Doane
613 Constitution Ave, NE
Washington, DC 20002-6035
CC: Citizens for a Sound Economy

MTC-00032575

From: tom luther
To: Ms. Renata B. Heese
Date: 1/11/02 7:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in grudging support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Reno's abuse of the DoJ as a political tool should rightfully embarrass supporters of so called anti-trust legislation. It is impossibly broad and famous for the political process used to select victims. Microsoft is only the latest example of what is wrong with the DoJ, DC, and the anti-trust laws that cripple the economy. I am disappointed that some have decided to further pursue this baseless case. But I am certainly not surprised at their avarice, or their willingness to use bad law to line their pockets.

The settlement makes a mockery of the DoJ and american justice in general. The ultimate irony of the "settlement" is that Microsoft has now secured a monopoly on public school children. Institutionalizing a

monopoly is a comic and fitting end to the litigation.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. But that wasn't the point.

The point is that Microsoft now pays millions annually in homage to its (now acknowledged) master in DC. It doesn't pay to succeed too well in America. And it's particularly poor practice to not even pay lip service, much less direct graft, to the DC mob. Microsoft made all these mistakes.

Once again, thank you for settling this unfortunate lawsuit. Good luck restoring your reputation.

Respectfully,
tom luther
411 cutler street
raleigh, NC 27603-1921
CC: Citizens for a Sound Economy

MTC-00032576

From: Michael Williams
To: Ms. Renata B. Heese
Date: 1/11/02 7:56am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is going beyond fair to all except Microsoft. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. It's about time our government stop harrasing the producers in this country and go back to its one legitimate function: protecting our citizens and their property.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Williams
6271 N Ponderosa Way
Parker, CO 80134-5613
CC: Citizens for a Sound Economy

MTC-00032577

From: Chadwick Creamer

To: Ms. Renata B. Heese
Date: 1/11/02 8:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Chadwick Creamer
19812 10th PL W
Lynnwood, WA 98036-7101
CC: Citizens for a Sound Economy

MTC-00032578

From: Thomas and Marybeth Hauck
To: Ms. Renata B. Heese
Date: 1/11/02 9:29am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

We are writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though we applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, we are thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like ourselves have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state

attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas and Marybeth Hauck
605 Farrington Post
Pittsboro., NC 27312-8523
CC: Citizens for a Sound Economy

MTC-00032579

From: Richard Walker
To: Ms. Renata B. Heese
Date: 1/11/02 9:36am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Walker
7444 Shadowwood CT NE
Keizer, OR 97303-7853
CC: Citizens for a Sound Economy

MTC-00032580

From: Tearle Lee
To: Ms. Renata Hesse
Date: 1/11/02 10:47am
Subject: Microsoft Settlement
Tearle Lee

5410 Stillwater Dr
New Orleans, LA 70128
January 11, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Tearle Lee

MTC-00032581

From: Marcia Stevenson
To: Ms. Renata Hesse
Date: 1/11/02 12:27pm
Subject: Microsoft Settlement
Marcia Stevenson
94 Midway Dr.
McKees Rocks, PA 15136-1556
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Marcia L. Stevenson

MTC-00032582

From: Mark Potter
To: Ms. Renata B. Heese
Date: 1/11/02 12:43pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I urge you to settle this unfortunate lawsuit against a successful and innovative company. While states seek to erase their budget deficits through suing Microsoft, the economy suffers and more people are laid off from work.

Respectfully,
Mark Potter
3309-B Parkford Manor Terrace
Silver Spring, MD 20904-6145
CC: Citizens for a Sound Economy

MTC-00032583

From: Denny DeVries
To: Ms. Renata B. Heese
Date: 1/11/02 4:32pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Denny DeVries
603 Juanita Ct
Lady Lake, FL 32159-9268
CC: Citizens for a Sound Economy

MTC-00032584

From: Judith Murray
To: Ms. Renata Hesse
Date: 1/11/02 4:48pm
Subject: Microsoft Settlement
Judith Murray
1736 Marlyn Rd
Fort Myers, FL 33901
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Judith Murray

MTC-00032585

From: Herbert Stevenson
To: Ms. Renata Hesse
Date: 1/11/02 5:12pm
Subject: Microsoft Settlement
Herbert Stevenson
602. Fifth Street
Kirkland, WA 98033
January 11, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Herbert L. Stevenson

MTC-00032586

From: Vin Mulhern
To: Ms. Renata Hesse
Date: 1/12/02 6:10am
Subject: Microsoft Settlement
Vin Mulhern
15 Nelson Street
Farmingdale, NY 11735-4225
January 12, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Vin Mulhern

MTC-00032587

From: A Colon
To: Ms. Renata Hesse
Date: 1/12/02 10:00am
Subject: Microsoft Settlement
A Colon
12441 NW 15th Street #307
Sunrise, FL 33323
January 12, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
A Colon

MTC-00032588

From: Dennis Kleindorfer
To: Department of Justice
Date: 1/13/02 2:45am
Subject: Microsoft Settlement

Dear Department of Justice:

It is my opinion that most of charges against Microsoft are very minor and are the type of things companies do to grow there business if there competitors can't compete they whine and sue if things worked that way Studebaker would still be in business if they were protected like Apple Computer in the Education Market!

But the bottom line is certain states and individuals drum up these charges so they can as Robinhood rob the rich!

There would be no such suits if Microsoft didn't have billions in cash! And companies do to weak products or bad management are protected by the government cry to the government that they need protection and money from there more sophisticated competitor Microsoft!

Sincerely,
Dennis Kleindorfer
601 East New York Ave.
DeLand, FL 32724-6042

MTC-00032589

From: jjderrig
To: Renata B. Hesse
Date: 1/13/02 11:31am
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 "D" Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov
Fax: (202) 307-1454 —OR— (202) 616-9937
To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

I have always believed anti-trust laws were primarily to protect the consumer. As a consumer, I have not been hurt at all. Most of the problems mentioned in the press during this litigation, I have personally solved with little difficulty. I have never heard of the name of the consumer who has been harmed.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call "product tying" to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for "tying" would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court "drastically altered [i.e., reduced] the scope of Microsoft's liability."

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and

will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,
John F. Derrig
301—128th AVE NE
Bellevue, WA. 98005—3222
425—454—7035

MTC-00032590

From: Margaret Schlosser
To: Department of Justice
Date: 1/13/02 12:20pm
Subject: Microsoft attempts to affect the trial
Having just become aware of the email message by which Microsoft hopes to sway the Department of Justice—via the public comment period, I certainly hope that anyone analyzing the public comments takes this underhanded activity into account.

For several months, I have been subscribed to (spying upon?) a mailing list called "Freedom to Innovate". The name of the list is particularly amusing since the purpose of the mailing list is to promote the position of Microsoft in various anti-trust motions in our courts.

I have copied today's "Freedom to Innovate" message below. Aside from its humorous aspect, it includes information about how to submit public comment to the Department of Justice. So, if you have opinions on how Microsoft has affected your "freedom to innovate", you may wish to correspond with the Justice department on the topic.

— joe

----- Microsoft message follows -----

A FINFlash Alert: The DOJ wants to hear from YOU!

For nearly four years, your voice has been instrumental in the debate over the freedom to innovate. Tens of thousands of concerned citizens have communicated to their public officials about whether the Microsoft case should be settled or further litigated. Despite the aggressive lobbying efforts of a few of Microsoft's competitors, the federal government and nine states finally reached a comprehensive agreement with Microsoft to address the reduced liability found in the Court of Appeals ruling. This settlement is tough, but reasonable and fair to all parties involved. Consumers overwhelmingly agree that settlement is good for them, the industry and the American economy.

However, this settlement is not guaranteed, and your voice is more important than ever.

The law (officially called the Tunney Act) requires a public comment period between now and January 28th after which the District Court will determine whether the settlement is in the public interest.

Unfortunately, a few special interests are attempting to use this review period to derail the settlement and prolong this litigation even in the midst of uncertain economic times. The last thing the American economy needs is more litigation that benefits only a few wealthy competitors and stifles innovation.

Dont let these special interests defeat the public interest.

----- End Microsoft message -----

This is but a small sample of the unsavory practices Microsoft employs. If the proposed

settlement takes place, Microsoft will have won and at the same time solidified its position and be well on the way to its goal of complete domination of anything having to do with computers or the Internet. Please do not let this settlement be for nothing, which it will if it proceeds as now projected. Should the DOJ in the future, find that the presently proposed settlement did more harm than good (as I am firmly convinced it will) it will be far too late for any remedy and future anti-trust actions will have been forever compromised. The Microsoft 'model' will encourage other companies to follow their lead and so escape any "punishment".

Just one question—I wish someone could explain to me just WHAT so-called "innovations" Microsoft has ever been responsible for? Microsoft merely adapts others work and proceeds to make it Microsoft specific, thereby denying use of it to others by attempting to make its version the defacto default.

Margaret Schlosser
Bethany Beach, Delaware

MTC-00032591

From: Ned and Suzy Cheely
To: Microsoft ATR
Date: 1/13/02 3:33pm
Subject: Microsoft Settlement

Please settle this case and get onto more serious problems! We, the taxpayers, through the government, have spent enough time and money on this case. It is time to move on. Please support the settlement as proposed by Microsoft and the Bush Administration. We do.

Thank you.
Suzy Cheely
9 Harrop Parrish
Williamsburg, VA 23188

MTC-00032592

From: Robert Smith Jr.
To: Ms. Renata B. Heese
Date: 1/13/02 6:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by

lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Smith Jr.
215 Rouen Ct.
Wilmington, NC 28412-3391
CC: Citizens for a Sound Economy

MTC-00032593

From: Lois McMahan
To: Ms. Renata B. Heese
Date: 1/13/02 7:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lois McMahan
12001 SE Roper Lane
Olalla, WA 98359-9708
CC: Citizens for a Sound Economy

MTC-00032594

From: Courtney Phillips
To: fin@mobilizationoffice.com@inetgw
Date: 1/13/02 8:32pm
Subject: Microsoft Settlement
61 Lynn Court
North Brunswick, NJ 08902
January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Early in last November, the Department of Justice and the Microsoft Corporation came to an agreement in the three-year-old antitrust lawsuit. I believe that the terms of the settlement are reasonable, and I am therefore lending my support to the agreement that puts an end to this lengthy and extremely costly litigation.

Microsoft did not get just a slap on the wrist, as evidenced by the fact, that the company has been forced to turn over substantial portions of its intellectual property to its competitors. Microsoft will share with its competitors, information about how Windows interacts with other programs and will not retaliate against vendors who sell or use non-Microsoft products. Furthermore, as part of the settlement, Microsoft will be supervised by a technical committee, consisting of three software engineers who will test Microsoft's compliance with certain aspects of the agreement.

I understand also, that other terms were agreed upon that were never even an issue in the antitrust lawsuit. Microsoft, however, accepted those terms based on the view that the United States economy is far more important than pursuing arguments over less significant details.

I completely support the settlement, and would like to go on record as doing so.

Sincerely,
Courtney G. Phillips

MTC-00032595

From: Stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/14/02 6:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
stephen flaherty
801 South Pitt Street
Alexandria, VA 22314-4369
CC: Citizens for a Sound Economy

MTC-00032596

From: Vhon Montefrio
To: Judge Kollar Kotelly
Date: 1/14/02 6:53am
Subject: Microsoft Settlement

Hi Judge Kollar-Kotelly,
Good day to you Judge!

I am sending you this email to comment something with regards to the controversial Tunney Act in which passed by the US Congress. This is particularly the Microsoft monopoly issue.

My name is Mr. Andrebon G. Montefrio, Jr., from Philippines. I heard that you are the Independent Judge who will review and approve the Justice Departments proposed agreement.

I believe as a consumer of a product, it is important to have at least two or more options to choose of what to buy or consume. For example, a consumer wanted to buy a car, choosing between five different cars would help him arrive at his decision more handily. As for me, if I wanted to purchase a Computer System, I should have many choices of brands or models before I will buy it. Of course it depends on my budget, preferences, system performance and other factors.

With Microsofts case, I think a lot of many software companies were hurt by it. Microsoft has been into monopoly since the start. And it became more obvious now. With the current OS, which is Windows XP, software applications embedded with it made the other software manufacturers life gloomy. With its many features such as the Media Player, Internet Browser, Utilities, and many more, competition with other companies is never that stiff. What happens now to Netscape? How about the other software makers? All will eventually close down. And who is in the losing end? Not just the other software companies but also the consumers as well. Consumers will not be able to try and test alternative software or even Operating Systems. Other technologies will not be available in the market because no one will try them anymore. What for? Windows XP has it all already. Much more, PC companies would be using the new Microsoft OS for sales growth. So the more PCs will be purchased, the more the Microsoft users there will be. The more the monopoly there will be.

What I am trying to say is, Microsoft should play the field fairly. Give other companies the chance to play the field and for the consumers to have the opportunity to try other options. The more they become bigger, the less the competition there is.

Thank you for your time. I hope I have clearly stated my point here. Please review carefully the agreement before signing it.

More power to you!
Cheers,
Andrebon G. Montefrio, Jr.

MTC-00032597

From: Judith Mulcahy

To: Ms. Renata B. Heese
Date: 1/14/02 8:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Mulcahy
9613 Candish Court
Fairfax Station, VA 22039-3235
CC: Citizens for a Sound Economy

MTC-00032598

From: Jim Robertson
To: "microsoft.atr(a)usdoj.gov"
Date: 1/14/02 10:59am
Subject: FW: Encourage DOJ to settle Microsoft case

I received the following email message. I am only writing to see if it is a legitimate use of my time (or the people I forward this to) or is it a hoax? Is the DOJ seeking public comment? I receive so many "form/chain" letter via email, I never know what to believe anymore.

Thanks for you time.

Jim Robertson
Olympia, Washington

From: Marsha Richards
[mailto:mrichards@effwa.org]
Sent: Thursday, January 10, 2002 5:31 PM
To: info@effwa.org
Subject: Encourage DOJ to settle Microsoft case

Dear EFF Friends,

As you know, 18 states and the federal Department of Justice (DOJ) have been involved in a lawsuit against Microsoft. Recently, the DOJ announced it has negotiated a settlement agreement with the company (one of America's most successful). The settlement must be approved by the

federal judge in the case before it can take effect, and the DOJ is currently seeking public comment.

The case against Microsoft has greatly harmed Washington citizens. Stock values, not only in Microsoft but in the entire NASDAQ, have dropped dramatically and consumers overwhelmingly agree that allowing the case to end with this settlement is good for them, the industry, and the nation's economy.

Please consider sending a letter, fax or email to the DOJ to let them know what you think about the settlement. The deadline for comment is January 28, 2002. I'm including a sample letter below along with the contact information you'll need. Please feel free to edit it as you see fit, or write your own.

I would recommend sending your comments by email or fax since mail has had difficulties lately. Also, if possible, would you let us know if you decide to send a letter? We'd like to measure the impact.

Thanks very much.

Cordially,
Bob Williams
President
Evergreen Freedom Foundation
P.O. Box 552
Olympia, WA 98507
(360) 956-3482
effwa@effwa.org

[Contact Information]

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 "D" Street, NW, Suite 1200
Washington, DC 20530
email: microsoft.atr@usdoj.gov Fax: (202)
307-1454 —OR— (202) 616-9937

[Sample Letter]

To Whom it May Concern:

As a citizen of Washington state, I encourage you to accept the proposed settlement in the anti-trust case involving Microsoft.

This settlement is appropriate and reflects a triumph of the rule of law. Certain Microsoft competitors and other critics of the proposed settlement make the core of their objections a call for more stringent restrictions, ranging from prohibition of what they call "product tying" to breakup of the company. More extreme critics complain that the remedies do not address products that were not even part of the case.

These objections ignore the decision of the Appeals Court that reversed much of Judge Jackson's original findings. The Appeals Court threw out findings on many fronts related to Microsoft's anti-monopolistic behavior. One key area rejected was the basis used for claiming that integrating Internet Explorer and Windows represented monopoly abuse. The court went further to state that any new burden of proof for "tying" would be immense. The court also rejected the breakup order and made it clear such an order moving forward would be difficult to sustain given the court "drastically altered [i.e., reduced] the scope of Microsoft's liability."

One final objection raised by critics is that Microsoft has a past history of consent decree violation so the company cannot be trusted to adhere to a new decree. This is a patently

false assertion. The Appeals Court in June of 1998 rejected the very claim that sent the parties into litigation—the Department of Justice claim that Microsoft had violated an earlier consent decree. Furthermore, this settlement takes the extraordinary step of creating an onsite oversight body. There are, therefore, no legitimate grounds for an assertion that a consent decree will not constrain Microsoft's behavior in the ways the court intends.

Rather, the proposed settlement directly and concretely addresses each and every key finding upheld by the Appeals Court, and does so with an undeniably stringent remedy. The areas of violation addressed include requiring OEMs to preserve visible access to Internet Explorer, to preserve the original boot sequence, to preserve all Microsoft-supplied desktop icons; entering into exclusive contracts with Internet Access Providers; threatening companies over support for other middleware technologies; and every other key area identified by the Appeals Court.

In my view, there can be no valid objection to this settlement because every major finding of the Appeals Court is stringently addressed with a targeted remedy that specifically prohibits and prevents the behavior in question. Acceptance of the proposed settlement will send a signal throughout American industry and the country as a whole that in the United States rule of law is alive and well—that defendants face remedies only for those findings against them. Anything beyond this settlement would represent a victory for those who do not seek remedy but rather also unwarranted punishment, and this would be a serious blow to the smooth functioning of free markets and the law that protects them. Participants in the American economy would forever be forced to fear whether the laws they rely upon to safely conduct business will be applied fairly.

I believe in advancing free market competition and this settlement serves the best interests of the American public. It fairly resolves a complex and burdensome anti-trust case that is having severe impacts far beyond one company, a case that is acting as a drag on one of the most vibrant sectors of our economy. Settlement of this case will free the high-technology industry to put its fullest efforts into innovation and creativity, and will spur competition in a way that will directly benefit consumers.

Thank you for your consideration.

Signed,

MTC-00032599

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/14/02 11:51am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 14, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charlotte Worden

MTC-00032600

From: Joseph Guthrie
To: Ms. Renata B. Heese

Date: 1/14/02 12:22pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Guthrie
4 Grace Way
Hampstead, NH 03841-2245
CC: Citizens for a Sound Economy

MTC-00032601

From: charles burkart
To: Ms. Renata B. Heese
Date: 1/14/02 12:26pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
charles burkart
2565 mineral street
dubuque, IA 52001-5642
CC: Citizens for a Sound Economy

MTC-00032602

From: b.l.rosenberg
To: Dept of Justice
Date: 1/14/02 12:30pm
Subject: Material relevant to DOJ Antitrust Suit Against Microsoft
Monday, January 14, 2002

Dear Department of Justice,
The following email describing a restriction of browser choice by AT&T Worldnet forcing Microsoft's browser on its customers was sent to AT&T today, Monday, January 14, 2002. It is further evidence of Microsoft's pervasive and dominating influence on the PC that kills competition and impoverishes consumer choices.

Please do something to restrict Microsoft's monopoly.

Thank You
Bruce L. Rosenberg
Here is the letter:
Monday, January 14, 2002
Jerry G., AT&T Support Person,
I find AT&T's answer to the following question quite unsatisfactory.

“ Question:
Why does my browser automatically launch when I connect even though I disabled that feature? How do I stop it?

Answer:
At this time, there is no way to disable this feature.”

This “feature” could be a bug (a programming oversight), because there is/was a check box in the options/advanced to uncheck “Launch Internet Explorer”. Checking or unchecking this box no longer has any effect. Microsoft Internet Explorer launches whether you want it or not!! Gates rules!!!

This “feature” could also have been implemented due to the fact that Microsoft now has such power over the once mighty AT&T that they must bow before them and do their bidding. I believe that Congress and the Justice Department should be made aware of this situation since it is relevant to the anti-monopoly case against Microsoft. It could be considered a restriction of browser choice by AT&T forcing Microsoft's browser on its customers.

In any event, one hopes that this “feature” will soon be “updated” with an improvement which will once again allow AT&T Worldnet ISP customers to chose -not- to launch Microsoft Internet Explorer once the connection is made.

Is such an update in the works? If so, when I might expect to receive it?

Is there any way for me to go back to my previous version of Worldnet software?

I feel that I should receive free internet service until this "feature" is corrected.

Please respond ASAP. Thanks.

Very sincerely,

Bruce L. Rosenberg

ehelp@att.net wrote:

Dear Bruce ,

I received your email concerning our Auto Update. The main objective for this update is to remove the on-screen toolbar that is part of your price plan. There are other changes as well:

Addition of a prompt that tells you that you have been idle for 25 minutes

Auto-start of your browser software

A bug fix to support 10-digit dialing.

After you select "yes" to this update, just follow the prompts you see on your screen. The update will not be applied immediately, but only after you re-start your computer.

I have provided answers below to other questions we're getting about this change. I apologize for any inconvenience this change has caused.

Sincerely,

Jerry G.

Question:

Why does my browser automatically launch when I connect even though I disabled that feature? How do I stop it?

Answer:

At this time, there is no way to disable this feature.

Question: Every time I sign on, I get the Auto Update. How do I stop it?

Answer:

The auto update doesn't install itself until you re-start your computer. If you do not re-start, you will be prompted each time you log on. If you choose not to install the Auto Update by saying "no" when asked, you will be prompted again the next time you log on.

----- Bruce Wrote -----

formID: 10

Category: Web browsers

First-Name: Bruce

Last-Name: Rosenberg

Computer-Type: Desktop computer

OS: Microsoft Windows 98

Browser: Netscape Communicator

Error-Message: no error message

Question: Dear AT&T Worldnet

Representative,

After "updating" my AT&T Worldnet ISP connection software yesterday (1/7/02), Microsoft Internet Explorer launches even though it is unchecked on the Options/Advanced window. I am a Netscape 4.79 user. Netscape still launches, but Internet Explorer launches first.

I want to know how to stop MS Internet Explorer from launching.

If you cannot help me, I will be forced to find a new ISP, since I abhor the loss of my choices due to Microsoft's monopoly on the PC. I refuse to be forced to use Internet Explorer by my Internet Service Provider, which is apparently what AT&T have done with this latest Worldnet "update". This update was certainly not an upgrade, it was not obvious to me that any speedup or other improvements occurred after my updating.

All I received in response to the above was an automated response telling me about the

plan switch-over, where the 7/7 or whatever was switched-over to a different plan. I never had the cheap plan with enforced advertising. I had and still have the more expensive plan, \$15/150hours, so I should not have had to update my Worldnet AT&T software. I am angry at having to deselect Internet Explorer each time I get online so I can use Netscape 4.79.

I have emailed my complaint letter to everyone on my mailing list to broadcast my dissatisfaction with Worldnet ISP.

Thank You,

Bruce L. Rosenberg, no longer a satisfied customer of AT&T Worldnet!!

MTC-00032603

From: Charles Ehrenpreis

To: Ms. Renata B. Heese

Date: 1/14/02 12:56pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Charles Ehrenpreis

195 Federal Hill Road

Milford, NH 03055-3519

CC: Citizens for a Sound Economy

MTC-00032604

From: J.K. Weston

To: bill@wrice.com@inetgw

Date: 1/14/02 2:19pm

Subject: (Bill Rice) Windows XP Licensing

Dear Mr. Rice:

First off, thank you for your feedback. Microsoft is strongly committed to your satisfaction and we would like to take this opportunity to address your concerns regarding the licensing of Windows XP.

Your first concern is that you were unable to find any information on installing

Windows XP, on more than one computer, on the Windows XP box itself or in a number of other locations. We apologize if this information was not easy to locate. We did include information about this on the back of the Windows XP box—towards the bottom, under the word "Experience". The text states: "For installation and use on one computer (see License Agreement for license terms)". It is further described in the first section of the End User License Agreement (EULA) which must be accepted during the Windows XP installation process. For a detailed description of this on the Microsoft website, please refer to: <http://www.microsoft.com/WINDOWSXP/home/evaluation/overviews/activation.asp>

<<http://www.microsoft.com/WINDOWSXP/home/evaluation/overviews/activation.asp>>

Windows XP licensing information was also included in product reviews done by journalists from many independent magazines and newspapers such as PC World, PC Computing, and ZDNet.com. The "one PC per license" concept has been in the Windows EULA for over ten years and is a condition of almost all products produced by commercial software makers. Nothing about this portion of the Windows license agreement changed with Windows XP.

You mentioned that you would like to put Windows XP on two computers for your children but that it would be cost prohibitive at over \$500. You may have been previously provided with some incorrect pricing information. The Windows XP Home Edition Upgrade currently retails for around \$99 per license. At this retail cost, your children's two computers could benefit from Windows XP at just \$198. Home users with more than one computer in the household may also qualify for a reduced upgrade price of \$84.50 per license; in your case a total of \$169. You can take advantage of this offer by calling Microsoft at 1-888-571-2048 (Press "0" when the call connects to speak to a customer service representative directly).

We value you as a Windows XP customer, however if you are not happy with the terms of the licensing agreement you are free to return the product.

While you are under no obligation to use Windows XP as the primary platform for your personal computers, we hope that you'll consider using the product.

Thank you for providing Microsoft with this opportunity to address your concerns.

Sincerely,

J.K. Weston

Microsoft Corporation

-----Original Message-----

From: Bill Rice [mailto:bill@wrice.com]

Sent: Thursday, January 03, 2002 6:46 PM

To: Bill Gates

Cc: microsoftcomments@doj.ca.gov; craig-farringer@oag.state.fl.us;

tormist@ag.state.ia.us; beasleyr@ksag.org;

sara.Hinchey@ago.state.ma.us;

steven.rutstein@po.state.ct.us;

attorney.general@state.mn.us;

uag@att.state.ut.us; microsoft.atr@usdoj.gov

Subject: windows xp

Dear Mr. Gates

I am a long time Microsoft supporter....have bought almost every

upgrade version of Windows, Office, FrontPage...etc !!!!

....I work on as laptop and have a desktop for home, a laptop for my wife, and two desktops for my 2 children.

I recently purchased the latest version of everything available...spending over \$750 before the holidays...

...I have been buying Microsoft products for years.....

I am ABSOLUTELY APPALLED that the XP operating system requires that I purchase an additional license, for hundreds of dollars, for every PC in my house.....(this is not obvious on the purchased product, from the retail salesperson, on the Microsoft website, or in any advertisement...I looked! I didn't have my bi-focals and couldn't read the VERY SMALLEST PRINT)

I have always supported Microsoft...and have not supported the federal and state lawsuits.....

BUT.....I FEEL ROBBED...no salesman warned me that, unlike all previous versions....I would have to buy separate, EXPENSIVE licenses for each computer in my home...(I buy a VCR tape...and use it in all my VCRs.....)....

...so I am sad to say that tonight I am writing to Judge Kollar-Kotally as well as to all of the states attorneys general.... To convey my personal experience...that Microsoft is not playing fair with its market advantage....UNTIL TONIGHT, I WAS AN ARDENT MICROSOFT SUPPORTER.....THERE IS NO CLEAR INDICATION ON THE XP BOX THAT THE UPGRADE WILL ONLY WORK ON ONE COMPUTER.....I feel misled and disappointed.....my children use XP at school and I wanted to use the same operating system at home for projects and homework...but to put the operating system on their PCs costs over \$500 and there is no alternative operating system platform.....

I think the uniformity of platform created by a broadly successful Microsoft has helped propel significant increases in our national productivity. I now believe that Microsoft is taking advantage of the "little guy," and that this pricing scheme may reflect a portion of what others in the technology industry have been complaining about. I didn't understand or appreciate the problem until tonight.

Thanks for taking the time to review these comments.

Bill Rice

CC:Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw....

MTC-00032605

From: Russell Porter
To: Ms. Renata B. Heese
Date: 1/14/02 3:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Russell Porter
7120 Oliver Smith Drive
Urbandale, IA 50322-3218
CC: Citizens for a Sound Economy

MTC-00032606

From: Robert Harned
To: Ms. Renata B. Heese
Date: 1/14/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Harned
113 S. Franklin

Ames, IA 50014-7512
CC: Citizens for a Sound Economy

MTC-00032607

From: wilbert skinn
To: Ms. Renata B. Heese
Date: 1/14/02 3:44pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
wilbert skinn
516 n frederick ave
oelwein, IA 50662-1244
CC: Citizens for a Sound Economy

MTC-00032608

From: Clifford Jantz
To: Ms. Renata B. Heese
Date: 1/14/02 3:46pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clifford Jantz
1506 Alderwood Drive Southwest
Altoona, IA 50009-2406
CC: Citizens for a Sound Economy

MTC-00032609

From: Jaclyn Fleming
To: Ms. Renata B. Heese
Date: 1/14/02 4:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jaclyn Fleming
6046 Terrace Drive
Johnston, IA 50131-1561
CC: Citizens for a Sound Economy

MTC-00032610

From: Edward Jonson
To: Ms. Renata B. Heese
Date: 1/14/02 5:16pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing to support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case. However, I'm thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to continue to pursue this baseless case.

I consider the settlement fair to all, because it allows competitors to use Microsofts Windows operating system to incorporate their software programs and gives consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in their opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, we've called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys, general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Edward Jonson
16 Hawkview Road
Hudson, NH 03051-4408
CC: Citizens for a Sound Economy

MTC-00032611

From: Donald Johnson
To: Ms. Renata B. Heese
Date: 1/14/02 7:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the

availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Johnson
M-5 Snow Circle
Nashua, NH 03062-2902
CC: Citizens for a Sound Economy

MTC-00032612

From: Dennis Behrens
To: Ms. Renata B. Heese
Date: 1/14/02 7:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dennis Behrens
921 Lewis Blvd
Sioux City, IA 51105-3254
CC: Citizens for a Sound Economy

MTC-00032613

From: OSCAR DAVIDS
To: Ms. Renata B. Heese
Date: 1/14/02 9:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining

state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
OSCAR DAVIDS
3753 250TH AVE
KEOKUK, IA 52632-9737
CC: Citizens for a Sound Economy

MTC-00032614

From: Alan Lasnover
To: Ms. Renata Hesse
Date: 1/14/02 11:08pm
Subject: Microsoft Settlement
Alan Lasnover
19951 Elfin Forest Lane
Elfin Forest, CA 92029
January 15, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors' consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate

and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Alan L. Lasnover, M.D.

MTC-00032615

From: Preston Lawrance
To: Ms. Renata B. Heese
Date: 1/15/02 6:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state

attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Preston Lawrance
20 Rowell Street
P.O. Box 3133
Manchester, NH 03104-2229
CC: Citizens for a Sound Economy

MTC-00032616

From: Kurt Wuelper
To: Ms. Renata B. Heese
Date: 1/15/02 6:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kurt Wuelper
HC 74 Box 42
Center Strafford, NH 03815-9709
CC: Citizens for a Sound Economy

MTC-00032617

From: Wendy Speckerman
To: Ms. Renata B. Heese
Date: 1/15/02 7:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys' general (including my own attorney general, Tom Miller of Iowa) and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and their products increased my productivity and my familiarity with the Internet.

At this time of recession, the settlement will allow Microsoft to again focus on innovations that, along with others in the technology sector, will lead the US into another time of economic expansion. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Wendy Speckerman
7820 Beaver Hills Ln
Cedar Falls, IA 50613-9302
CC: Citizens for a Sound Economy

MTC-00032618

From: Jane MacFarland
To: Ms. Renata B. Heese
Date: 1/15/02 7:31am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys' general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jane MacFarland
11411 Long Pine Dr.
Houston, TX 77077-4216
CC: Citizens for a Sound Economy

MTC-00032619

From: monty fowler
To: Ms. Renata B. Heese
Date: 1/15/02 7:41am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys' general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
monty fowler
2718 martin st
pasadena, TX 77502-5725
CC: Citizens for a Sound Economy

MTC-00032620

From: Suzanne Dodge
To: U.S. Attorney General
Date: 1/15/02 10:14am
Subject: Microsoft Settlement
KEITH D. DODGE & SUZANNE S. DODGE
125 RAINBOW DRIVE, #2507
LIVINGSTON, TEXAS 77399-1025
January 8, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

Like many people in Texas, I am happy that a settlement agreement has been reached between the Department of Justice and Microsoft. The suit has taken a toll on the IT industry and on consumers of technology

products. The settlement agreement is fair to all the parties in the case and is the result of years of expensive litigation. Information sharing and non-retaliation agreements should be enough to satisfy even Microsoft's harshest critics. Unfortunately, opponents of Microsoft would like to see the lawsuit continue and even be reopened for further action. Three years of litigation have already disturbed the IT industry and the economy too much. Reopening the suit and continuing litigation will only serve to harm the IT industry and the economy.

Now is the time to end the suit and move on. Surely, the Department of Justice has more important issues to deal with and Microsoft needs to move on as well. I hope that the settlement is finalized as soon as possible.

Sincerely,
Suzanne Dodge

MTC-00032621

From: Edwina Houlmiere
To: Microsoft ATR
Date: 1/15/02 10:17am
Subject: Microsoft Settlement

We think that it would be in the best interest of the American economy to settle the Microsoft case and get on with life.

Edwina and Patrick Houlmiere

MTC-00032622

From: Jeanine Leone
To: "microsoft.atr(a)usdoj.gov"
Date: 1/15/02 10:17am
Subject: Microsoft Settlement

The Microsoft case should be settled with no further litigation.

Jeanine Leone

MTC-00032623

From: MarilynmmR@aol.com@inetgw
Date: 1/15/02 11:31am
Subject: Microsoft Settlement.

As a retired teacher and substitute teacher, I thought your offer was great!!! I was and still am an avid user of the computer. It is an outstanding learning tool for students. The government was really shortsighted on the greatness of this offer. This is really too bad. Keep up the good work on the products you are developing for us!

Marilynn M Russell

ps I taught at Clover Park High school where Bill & Melinda have given money to help students. My grandson is now at that school as a 9th grader taking advantage of their wonderful gift. THANKS!!!! Part of his project that he is doing for math, computers, history is to prepare a PowerPoint presentation (with digital pictures too) to culminate his work. Neat huh!!!!

MTC-00032624

From: William Denmark
To: Ms. Renata B. Heese
Date: 1/15/02 11:48am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Please be informed, I am writing in support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case,

I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Denmark
4020 Saxon Drive
NSB, FL 32169-3849
CC: Citizens for a Sound Economy

MTC-00032625

From: Anne Mulhern
To: Ms. Renata B. Heese
Date: 1/15/02 12:03pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Anne Mulhern
7526 N. NC Hwy. 49
Mebane, NC 27302-7518
CC: Citizens for a Sound Economy

MTC-00032626

From: Denny DeVries
To: Ms. Renata B. Heese
Date: 1/15/02 12:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Denny DeVries
603 Juanita Ct
Lady Lake, FL 32159-9268
CC: Citizens for a Sound Economy

MTC-00032627

From: DONALD QUINN
To: Ms. Renata B. Heese
Date: 1/15/02 12:05pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
DONALD QUINN
119 APPALOOSA LANE
ORMOND BEACH, FL 32174-8003
CC: Citizens for a Sound Economy

MTC-00032628

From: Donna Brooks
To: Ms. Renata B. Heese
Date: 1/15/02 12:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Brooks
2538 Spence Dr. NE
Palm Bay, FL 32905-2526
CC: Citizens for a Sound Economy

MTC-00032629

From: Holly Derenthal
To: Ms. Renata B. Heese

Date: 1/15/02 12:26pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Holly Derenthal

2019 Elizabeth Avenue

Orlando, FL 32804-5439

CC: Citizens for a Sound Economy

MTC-00032630

From: Eve Kantner

To: Ms. Renata B. Heese

Date: 1/15/02 12:27pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Eve Kantner

12209 Freemont Lane

Raleigh, NC 27613-5631

CC: Citizens for a Sound Economy

MTC-00032631

From: Francis Kendrick

To: Ms. Renata B. Heese

Date: 1/15/02 12:43pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Francis Kendrick

1251 Paradise Way

Venice, FL 34292-1412

CC: Citizens for a Sound Economy

MTC-00032632

From: James Schaar

To: Ms. Renata B. Heese

Date: 1/15/02 12:52pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James M.(Mike) Schaar

James Schaar

1570 Maple Ave.;P.O.Box 744

North Bend, OR 97459-0059

CC: Citizens for a Sound Economy

MTC-00032633

From: Joshua Menold

To: Ms. Renata B. Heese

Date: 1/15/02 1:04pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joshua Menold
210 W. Dupree #14
Angier, NC 27501-8830
CC: Citizens for a Sound Economy

MTC-00032634

From: Barbara Wilt
To: Ms. Renata B. Heese
Date: 1/15/02 1:20pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Barbara Wilt
1671- 40th Street
West Palm Beach, FL 33407-3641
CC: Citizens for a Sound Economy

MTC-00032635

From: Gary Cross
To: Ms. Renata B. Heese
Date: 1/15/02 1:26pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Cross
2602 Costa Mesa Drive
Dallas, TX 75228-2036
CC: Citizens for a Sound Economy

MTC-00032636

From: Keith Hosford
To: Ms. Renata B. Heese
Date: 1/15/02 1:30pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Keith Hosford
13310 Myrna Lane

Houston, TX 77015-1336
CC: Citizens for a Sound Economy

MTC-00032637

From: James Hussmann
To: Ms. Renata B. Heese
Date: 1/15/02 1:33pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Hussmann
307 Wexford Terrace
Venice, FL 34293-4287
CC: Citizens for a Sound Economy

MTC-00032638

From: James King
To: Ms. Renata B. Heese
Date: 1/15/02 1:47pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James King
2017 Riverknoll Court-
West Linn, OR 97068-3637
CC: Citizens for a Sound Economy

MTC-00032639

From: Charles Lipford
To: Ms. Renata B. Heese
Date: 1/15/02 1:54pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Lipford
561 Maitland Ave.
Altamonte Springs, FL 32701-6322
CC: Citizens for a Sound Economy

MTC-00032640

From: Marie Sanders
To: Ms. Renata B. Heese
Date: 1/15/02 1:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

It is my opinion that this lawsuit has a lot to do with our economic turndown today and has caused severe damage to our economy

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marie Sanders
14603 Claycroft Ct
Cypress, TX 77429-1889
CC: Citizens for a Sound Economy

MTC-00032641

From: Robert Reed
To: Ms. Renata B. Heese
Date: 1/15/02 2:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Reed
3717 Brandy St
Orlando, FL 32812-5124
CC: Citizens for a Sound Economy

MTC-00032642

From: Alexander Beckman
To: Ms. Renata B. Heese
Date: 1/15/02 2:10pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alexander Beckman
313 Appledore Ct.
Winston-Salem, NC 27103-6022
CC: Citizens for a Sound Economy

MTC-00032643

From: Willson Folmar
To: Ms. Renata B. Heese
Date: 1/15/02 2:11pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Willson Folmar
2016 Lebron Ave
Montgomery, AL 36106-1833
CC: Citizens for a Sound Economy

MTC-00032644

From: Hubert Owens
To: Ms. Renata B. Heese
Date: 1/15/02 2:31pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Hubert Owens
228 Mooney Road
Fort Walton Beach, FL 32547-1374
CC: Citizens for a Sound Economy

MTC-00032645

From: David and Joanna Hargis
To: Ms. Renata B. Heese
Date: 1/15/02 2:36pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing to you as one of my last acts as an Oregon Citizen in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet and until now, in this depressed economy, have brought jobs to our family and taxes to you. Well no more. The jobs have vanished and we are leaving the pacific northwest for more prosperous regions of the country where people implement sound economic change and jobs are more plentiful.

In conjunction with my support of the Microsoft settlement, I support big business. I don't want unemployment! I want a job! And I'd like to see the legislators do their job and quit worrying about the next election and stalling valuable legislation. We aren't so dumb that we don't understand what is happening. I will vote against anyone who stalls the economic recovery that is for certain.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David and Joanna Hargis
595 Joseph Street SE
Salem, OR 97302-3972
CC: Citizens for a Sound Economy

MTC-00032646

From: Matt Niemi

To: Ms. Renata B. Heese
Date: 1/15/02 2:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Matt Niemi
1250 H St. NW #700
Washington, DC 20005-3952
CC: Citizens for a Sound Economy

MTC-00032647

From: Gus Beall
To: Ms. Renata B. Heese
Date: 1/15/02 2:44pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gus Beall
1140 NE Ross Road
Bend, OR 97701-8584
CC: Citizens for a Sound Economy

MTC-00032648

From: Clyde Garland
To: Ms. Renata B. Heese
Date: 1/15/02 2:49pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I applaud the recent settlement the antitrust lawsuit against Microsoft. The settlement is more than fair to the plaintiffs considering that there was no bases for the lawsuit in the first place.

Members, like me, of Citizens for a Sound Economy have been opposing this lawsuit with calls, emails, visits and letters to almost three years. So, I thank you for your decision to settle this unfortunate lawsuit.

Respectfully,
Clyde Garland
3100 Rolling Glen
Bryan, TX 77807-3209
CC: Citizens for a Sound Economy

MTC-00032649

From: Pat Ahumada
To: Ms. Renata B. Heese
Date: 1/15/02 2:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Pat Ahumada
53 Alan A Dale
Brownsville, TX 78521-3513
CC: Citizens for a Sound Economy

MTC-00032650

From: Dean Lyons
To: Ms. Renata B. Heese
Date: 1/15/02 2:54pm
Subject: Microsoft Settlement

Dear Ms. Heese:

Please do not allow Microsoft to continue its antitrust business practices. To allow them a legal access to the Education Market at the expense of Apple Computer is ludicrous.

Respectfully,
Dean Lyons
1435 Monticello Road
Jacksonville, FL 32207-8857
CC: Citizens for a Sound Economy

MTC-00032651

From: Robert Kersteen
To: Ms. Renata B. Heese
Date: 1/15/02 2:59pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Kersteen
2821 61st Lane North
St. Petersburg, FL 33710-3357
CC: Citizens for a Sound Economy

MTC-00032652

From: Madoline Rogers
To: Ms. Renata B. Heese
Date: 1/15/02 3:12pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Madoline Rogers
4713 Cole Ave.
Waco, TX 76710-4611
CC: Citizens for a Sound Economy

MTC-00032653

From: Charles Parrott
To: Ms. Renata B. Heese
Date: 1/15/02 3:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the

availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Parrott
8272 Denise Dr.
Largo, FL 33777-2716
CC: Citizens for a Sound Economy

MTC-00032654

From: Lisa Cate
To: Ms. Renata B. Heese
Date: 1/15/02 3:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Lisa Cate
7907 Old Hwy 86
Chapel Hill, NC 27516
CC: Citizens for a Sound Economy

MTC-00032655

From: Ira Paul
To: Ms. Renata B. Heese
Date: 1/15/02 3:34pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ira Paul
18495 NW 78th Avenue
Hialeah, FL 33015-2704
CC: Citizens for a Sound Economy

MTC-00032656

From: Betty McCoy
To: Ms. Renata B. Heese
Date: 1/15/02 3:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Betty McCoy
413 Glenport Ave
Glencoe, AL 35905-1189
CC: Citizens for a Sound Economy

MTC-00032657

From: Harry Hintz
To: Ms. Renata B. Heese
Date: 1/15/02 3:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Hintz
5306 Overtop Lane
Raleigh, NC 27613-5550
CC: Citizens for a Sound Economy

MTC-00032658

From: Jonathan Harris
To: Ms. Renata B. Heese
Date: 1/15/02 3:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jonathan Harris
22479 Martella Ave
Boca Raton, FL 33433-4630
CC: Citizens for a Sound Economy

MTC-00032659

From: LYNN AND JOHN MCGLENN
To: Ms. Renata B. Heese
Date: 1/15/02 3:53pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
LYNN AND JOHN MCGLENN
333NW FERRIS DR.
PORT ST. LUCIE, FL 34983-8668
CC: Citizens for a Sound Economy

MTC-00032660

From: JOHN COLLAR
To: Ms. Renata B. Heese

Date: 1/15/02 4:03pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
JOHN COLLAR
333 MELROSE DRIVE
5 D
RICHARDSON, TX 75080-4406
CC: Citizens for a Sound Economy

MTC-00032661

From: Linda Addison
To: Ms. Renata B. Heese
Date: 1/15/02 4:04pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Linda Addison
222 Steedly Ave
Lake Wales, FL 33853-3756
CC: Citizens for a Sound Economy

MTC-00032662

From: Claude Prevots
To: Department of Justice
Date: 1/15/02 4:09pm
Subject: Tunney: Creativity in software engineering

Greetings:

It is not in the public interest to constrain further the creativity and innovation of Microsoft designers and software engineers with additional, legally complex conditions. The remedies already provided by the settlement provisions construct an edifice of legal reasoning and arcane subtleties that will require software developers to get a law degree to cut through this Byzantine complexity. Endless meetings and explanations between lawyers and engineers, not new products, are what will result.

When Attorney General Janet Reno proclaimed her enthusiastic anticipation of the new varieties of DOS engendered by enforcement of antitrust laws, one could only groan in disbelief at her failure to understand how progress in the systems business thrives. In retrospect we find no new varieties of DOS but find that it has almost disappeared.

With Microsoft the consumer is benefited by a culture of excellence that its competitors are unable to match. We need the robust organization of Microsoft to keep its competitors on their toes. An added onset of *elegantia juris* will only stifle further the creative minds that generate the innovation we need to keep the U.S. economy thriving with new functions and features to empower consumers.

Claude Prevots
cogito@warwick.net

MTC-00032663

From: Richard Swier
To: Ms. Renata B. Heese
Date: 1/15/02 4:26pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Swier
6718 Paseo Castille
Sarasota, FL 34238-2709
CC: Citizens for a Sound Economy

MTC-00032664

From: Jennifer Crenshaw
To: Ms. Renata B. Heese
Date: 1/15/02 4:27pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Jennifer Crenshaw
443 Randon Terrace
Lake Mary, FL 32746-2626
CC: Citizens for a Sound Economy

MTC-00032665

From: JERRY CULBERSON
To: Ms. Renata B. Heese
Date: 1/15/02 4:34pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Respectfully,
JERRY CULBERSON
4092 LIGUSTRUM DR.
PALM HARBOR, FL 34685-3631
CC: Citizens for a Sound Economy

MTC-00032666

From: Ronald Hoelzer
To: Ms. Renata B. Heese
Date: 1/15/02 4:37pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Respectfully,
Ronald Hoelzer
8318 W. Elm Street
Tampa, FL 33615-2806
CC: Citizens for a Sound Economy

MTC-00032667

From: E. Geissler
To: Ms. Renata B. Heese
Date: 1/15/02 4:41pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
E. Geissler
4775 South Atlantic Avenue
Ponce Inlet, FL 32127-8108
CC: Citizens for a Sound Economy

MTC-00032668

From: James Rentner
To: Ms. Renata B. Heese
Date: 1/15/02 4:45pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Rentner
67 Summerset Drive
Clyde, NC 28721-8415
CC: Citizens for a Sound Economy

MTC-00032669

From: Dick Wilson
To: Ms. Renata B. Heese
Date: 1/15/02 4:55pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Respectfully,
Dick Wilson
7735 Taimouth ln
Charlotte, NC 28269-9127
CC: Citizens for a Sound Economy

MTC-00032670

From: Richard McCormack
To: Ms. Renata B. Heese
Date: 1/15/02 4:56pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Richard McCormack
23225 Hagey Road
Dundee, OR 97115-9211
CC: Citizens for a Sound Economy

MTC-00032671

From: David Anderson
To: Ms. Renata B. Heese
Date: 1/15/02 5:23pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Anderson
1418 NE 112 Ave.
Portland, OR 97220-3024
CC: Citizens for a Sound Economy

MTC-00032672

From: Madeleine Calder
To: Ms. Renata B. Heese
Date: 1/15/02 5:32pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Madeleine Calder
2605 Olive Chapel Rd.
Apex, NC 27502-6789
CC: Citizens for a Sound Economy

MTC-00032673

From: Thomas Griffith
 To: Ms. Renata B. Heese
 Date: 1/15/02 5:33pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Get the government out of our business before we lose valuable companies due to the meddling by these misguided officials. Do we want all of our companies going overseas to operate overseas due to too much government intervention? What sense is there in degrading a company who has done so much good for so many people? Shame on them all.

Respectfully,

Thomas Griffith

2426 Barrington Place Drive
 Sugar Land, TX 77478-1855

CC: Citizens for a Sound Economy

MTC-00032674

From: Terry Smith
 To: Ms. Renata B. Heese
 Date: 1/15/02 5:43pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Terry Smith

P O Box 5166

3720 Chula Vista Dr SW

Decatur, AL 35601-0166

CC: Citizens for a Sound Economy

MTC-00032675

From: Michael Walker
 To: Ms. Renata B. Heese
 Date: 1/15/02 5:45pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Michael Walker

446 N Central Valley Dr

Central Point, OR 97502-1571

CC: Citizens for a Sound Economy

MTC-00032676

From: Marlene Lieb
 To: Ms. Renata B. Heese
 Date: 1/15/02 6:02pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Marlene Lieb

18 Mahoe Dr. So.

The Hammock, FL 32137-2634

CC: Citizens for a Sound Economy

MTC-00032677

From: margaret moorman
 To: Ms. Renata B. Heese
 Date: 1/15/02 6:30pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have

called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
margaret moorman
216 lakeway
kerrville, TX 78028-7229
CC: Citizens for a Sound Economy

MTC-00032678

From: Gary Dryden
To: Ms. Renata B. Heese
Date: 1/15/02 6:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

Whereas Microsoft has been solely responsible for greatly increasing the total productivity of our nation, they were then penalized with a bogus law suit by Clinton Administration whims. When others saw the government's actions the current recession began.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Dryden
582 Ruckel Drive
Niceville, FL 32578-1789
CC: Citizens for a Sound Economy

MTC-00032679

From: David Fuson

To: Ms. Renata B. Heese
Date: 1/15/02 6:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Hey! socialist duds! Get off the back of a fine American who refuses to pay for Lobbist or Government Help inside the loop.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Fuson
2119 Five Iron Dr.
Houston, TX 77089-5618
CC: Citizens for a Sound Economy

MTC-00032680

From: Floyd Lawson
To: Ms. Renata B. Heese
Date: 1/15/02 7:02pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. Some state attorneys general seem to be interested for their own political self-edification.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. It appears to have been the primordium of the fantastic rollercoaster economy that we have had beginning in 1992.

Furthermore, it appears to have been a "political vindetta" because of Microsoft's entrance into the communications field, namely, MSNBC. It was predicted by this writer in the early programming at MSNBC.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Lawson
1020 Larkwood Drive, NE
Cullman, AL 35055-2133
CC: Citizens for a Sound Economy

MTC-00032681

From: Charles Baker

To: Ms. Renata B. Heese
Date: 1/15/02 7:07pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Baker
4646 Pliny Farlow Rd.
Trinity, NC 27370-7449
CC: Citizens for a Sound Economy

MTC-00032682

From: Gerald Totten
To: Ms. Renata B. Heese
Date: 1/15/02 7:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gerald Totten
108 Petty Road
Siler City, NC 27344-7892
CC: Citizens for a Sound Economy

MTC-00032683

From: Rev. James Rodgers
To: Ms. Renata B. Heese
Date: 1/15/02 8:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I agree with the Justice Department's decision to settle with Microsoft Corp. The holdout state attorneys general and the District of Columbia should follow your lead.

Microsoft's actions, instead of harming consumers, lowered the cost and increased the availability of the software products they sought. Microsoft also made millions of us more familiar with the Internet.

Thanks for deciding to settle this unjust lawsuit.

Respectfully,
Rev. James Rodgers
15727 El Camino Real
Clear Lake City, TX 77062-4415
CC: Citizens for a Sound Economy

MTC-00032684

From: Willie Starling
To: Ms. Renata B. Heese
Date: 1/15/02 8:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the

high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Willie Starling
1523 Indian Springs Rd.
Mt. Olive, NC 28365-8767
CC: Citizens for a Sound Economy

MTC-00032685

From: Nancy Hall
To: Ms. Renata B. Heese
Date: 1/15/02 8:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Nancy Hall
1861 Beneva Ct Apt 1203
Sarasota, FL 34232-3150
CC: Citizens for a Sound Economy

MTC-00032686

From: Charles Snyder
To: Ms. Renata B. Heese
Date: 1/15/02 9:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Charles Snyder
110 Harness Lane
Georgetown, TX 78628
CC: Citizens for a Sound Economy

MTC-00032687

From: Richard Moats
To: Ms. Renata B. Heese
Date: 1/15/02 9:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

I am still amazed the Clinton Justice Dept. chose to initiate this case in the first place. On second thought, I am not surprised by anything that happened during the most corrupt national administration in the history of our country.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Moats
2825 41st. Way S.E.
Olympia, WA 98501-6212
CC: Citizens for a Sound Economy

MTC-00032688

From: Clifford Earle
To: Ms. Renata B. Heese
Date: 1/15/02 10:17pm
Subject: Microsoft Deserves a Breakup

Dear Ms. Heese:

Below please find the text of a form letter available on the "Capitol Connect" site, supposedly a consumer advocacy outfit of some sort. Please do not believe a word of it.

Microsoft deserves to be slammed in court for their actions and practices, and I would hope that no amount of thoughtless form letters, however prettily formatted, would change that fact.

Regards,
—Cliff ***

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clifford Earle
8640 Hillrose St.
Sunland, CA 91040-2701
CC: Citizens for a Sound Economy

MTC-00032689

From: Dave Catherman
To: Ms. Renata B. Heese
Date: 1/16/02 4:37am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dave Catherman
5712 Stone Mill Rd
Waxhaw, NC 28173-8059
CC: Citizens for a Sound Economy

MTC-00032690

From: James Collins
To: Ms. Renata B. Heese
Date: 1/16/02 4:40am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the

high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Collins
109 ridge View Rd
Pittsboro, NC 27312-5663
CC: Citizens for a Sound Economy

MTC-00032691

From: paul caple
To: Ms. Renata B. Heese
Date: 1/16/02 4:42am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
paul caple
3215 NE 15 ST #101
Pompano Beach, FL 33062-3321
CC: Citizens for a Sound Economy

MTC-00032692

From: Gary Lewis
To: Ms. Renata B. Heese
Date: 1/16/02 5:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Gary Lewis

160 W Park Ave

Mooresville, NC 28115-2242

CC: Citizens for a Sound Economy

MTC-00032693

From: Renee Pearison

To: Ms. Renata B. Heese

Date: 1/16/02 5:09am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Renee Pearison

5434 Alfred St

Crozet, VA 22932-3514

CC: Citizens for a Sound Economy

MTC-00032694

From: Troy Landrum

To: Ms. Renata B. Heese

Date: 1/16/02 5:20am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Troy Landrum

509 Ridge Country Road

Haslet, TX 76052-4207

CC: Citizens for a Sound Economy

MTC-00032695

From: James Parker

To: Ms. Renata B. Heese

Date: 1/16/02 5:22am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Parker

3445 Self Creek Rd

Warrior, AL 35180-2215

CC: Citizens for a Sound Economy

MTC-00032696

From: Chris Sinclair

To: Ms. Renata B. Heese

Date: 1/16/02 5:24am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Chris Sinclair

3728 Cliff Haven Drive

Raleigh, NC 27615-8118

CC: Citizens for a Sound Economy

MTC-00032697

From: Jim Thrasher

To: Ms. Renata B. Heese

Date: 1/16/02 5:34am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jim Thrasher
4613 70th Place
Urbandale, IA 50322-8012
CC: Citizens for a Sound Economy

MTC-00032698

From: Sepideh Baghai
To: Ms. Renata B. Heese
Date: 1/16/02 5:39am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the the state attorneys general and the District of Columbia against Microsoft.

The settlement is a slap on the wrist to Microsoft. It will not guarantee that Microsoft cannot continue to attack small or other large companies through non-competitive means. The Microsoft Windows operating system is only now becoming a true operating system. It still leaves a lot to be desired. Whether or not Microsoft choose to create more mediocre products for the public is not an issue. Whether or not smaller software companies and other companies can play in this market is.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. This view point is clearly a misguide stance from a group of people unaware of the speed of changing technology and the options available to them. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions is

detrimental to consumers. The evidence can be seen in the demise of Netscape and the battles against SUN over J++. Microsoft's anticompetitive behavior has limited the high-technology market and have forced users to learn to accept mediocre products.

Respectfully,
Sepideh Baghai
1020 Kent St.
#216
Boulder, CO 80303-1826

MTC-00032699

From: Brian Irving
To: Ms. Renata B. Heese
Date: 1/16/02 5:41am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brian Irving
1713 Veanna Drive
Fayetteville, NC 28301-2926
CC: Citizens for a Sound Economy

MTC-00032700

From: Michael Wegman
To: Ms. Renata B. Heese
Date: 1/16/02 5:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Wegman
609 Green Drive
Goldsboro, NC 27534-7743
CC: Citizens for a Sound Economy

MTC-00032701

From: Roger Corbett
To: Ms. Renata B. Heese
Date: 1/16/02 5:50am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Corbett
7508 Roberts Rd

Apex, NC 27502-9674
 CC: Citizens for a Sound Economy

MTC-00032702

From: Carolyn and Gerald Johnson
 To: Ms. Renata B. Heese
 Date: 1/16/02 5:52am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Carolyn and Gerald Johnson
 7689 Rabbit Circle
 Denver, NC 28037-9477
 CC: Citizens for a Sound Economy

MTC-00032703

From: Joseph Piccirillo
 To: Ms. Renata B. Heese
 Date: 1/16/02 6:16am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Joseph Piccirillo
 702 Ocean Dunes Circle
 Jupiter, FL 33477-9117
 CC: Citizens for a Sound Economy

MTC-00032704

From: John Benningfield
 To: Ms. Renata B. Heese
 Date: 1/16/02 6:36am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 John Benningfield
 2015 N Fremont
 Cornelius, OR 97113-7384
 CC: Citizens for a Sound Economy

MTC-00032705

From: Miss Julie Smithson
 To: Ms. Renata B. Heese
 Date: 1/16/02 6:38am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Miss Julie Smithson
 213 Thorn Locust Lane
 London, OH 43140-8844
 CC: Citizens for a Sound Economy

MTC-00032706

From: Linda Ayers
 To: Ms. Renata B. Heese
 Date: 1/16/02 6:46am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

Continuation of the case threatens to prolong the 8-month old recession, as well as increase the severity of the technology sector's 18-month decline. In this time of economic uncertainty, we need businesses that stimulate demand for other products throughout their industry to get back to work, not encounter new obstacles to growth. It is time to put an end to this lawsuit and get back to the business of strengthening our economy

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Linda Ayers
3220 Darlington Dr. SW
Decatur, AL 35603-3165
CC: Citizens for a Sound Economy

MTC-00032707

From: John Harding
To: Ms. Renata B. Heese
Date: 1/16/02 6:55am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Harding
5906 143rd St SE
Everett, WA 98208-9339
CC: Citizens for a Sound Economy

MTC-00032708

From: Phyllis Sisk
To: Ms. Renata B. Heese
Date: 1/16/02 7:02am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Phyllis Sisk
4965 Old Belews Creek Road
Winston-Salem, NC 27101-6426
CC: Citizens for a Sound Economy

MTC-00032709

From: Roy Stewart
To: Ms. Renata B. Heese
Date: 1/16/02 7:06am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roy Stewart
19 Hickory Lane
Bedford, NH 03110-5720
CC: Citizens for a Sound Economy

MTC-00032710

From: billklueber@att.net@inetgw
To: Microsoft ATR
Date: 1/16/02 7:12am
Subject: MicroSoft Settlement

I just wanted to vent about what is happening with the MicroSoft Settlement. MicroSoft started from nothing and is solely responsible for the PC revolution and a good deal of the other technological advancements we know and enjoy today. It is unfair for this country to penalize success. I think it is great that finally a U.S. company is a world leader and is able to compete with other corporations around the world especially when so many of them are subsidized by their governments.

Please stop playing politics and look at all the good that the company does. Bill Gates donates a lot to charities, pays more than his share in personnel and corporate taxes and provides a lot of jobs. I was disgusted and embarrassed to be an American under Clinton but have regained my pride and patriotism under President Bush. Please do the correct and honorable thing and put this endless litigation to rest. The only people that win are the lawyers.

Thank you,
Bill Klueber

MTC-00032711

From: Floyd Majors
To: Ms. Renata B. Heese
Date: 1/16/02 7:15am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Majors
4922 Middleton Street
Baytown, TX 77520-1402

CC: Citizens for a Sound Economy

MTC-00032712

From: Michael Weekley
To: Ms. Renata B. Heese
Date: 1/16/02 7:16am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Weekley
4610 Governor Kent Ct.
Upper Marlboro, MD 20772-5905
CC: Citizens for a Sound Economy

MTC-00032713

From: Robin Alberg
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robin Alberg
9027 W. Shorewood Dr. #603
Mercer Island, WA 98040-3236
CC: Citizens for a Sound Economy

MTC-00032714

From: Jane Aguirre
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese: I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jane Aguirre
1308 N. 13th St.
Temple, TX 76501-1904
CC: Citizens for a Sound Economy

MTC-00032715

From: Aaron Alberg
To: Ms. Renata B. Heese
Date: 1/16/02 7:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:
I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Aaron Alberg
9027 W. Shorewood Dr.
Apt. 603
Mercer Island, WA 98040-6265
CC: Citizens for a Sound Economy

MTC-00032716

From: Marcus Griffith
To: Ms. Renata B. Heese
Date: 1/16/02 7:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:
I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Marcus Griffis
 717 Dove Dr
 Victoria, TX 77905-0558
 CC: Citizens for a Sound Economy

MTC-00032717

From: Shirley Briden
 To: Ms. Renata B. Heese
 Date: 1/16/02 7:32am
 Subject: Microsoft Settlement (Support)
 Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Shirley Briden
 941 Southridge Tr.
 Altamonte Springs., FL 32714-1286
 CC: Citizens for a Sound Economy

MTC-00032718

From: Charlie Brown
 To: Ms. Renata B. Heese
 Date: 1/16/02 7:32am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Charlie Brown
 PO Box 40
 Barium Springs, NC 28010-0040
 CC: Citizens for a Sound Economy

MTC-00032719

From: Howard Kistler
 Date: 1/16/02 7:33am
 Subject: Microsoft Settlement

To Whom It May Concern,

As a long-time computer programmer and software developer, I am urging the Department Of Justice to consider practical and responsible remedies to the monopoly of Microsoft.

Microsoft has long enjoyed immunity from punishment for its many abuses of power. This is in a large part because those abuses allow it make far more money than is ever levied against it in penalty. In truth, it is hard to calculate how large a fine would be necessary to even impact them. That is why other remedies must be pursued, beyond those of simple fines and behavioral decrees.

I believe that one of the only, if not the only, remedies that would address the monopoly situation is to force Microsoft to open up the Windows APIs for competitive development. This would have multiple positive effects, including the following:

(1) It would allow true competition in the operating system marketplace. Competition in turn is one of the only factors that drive companies to produce a genuinely better product, and to offer those products at reasonable market prices. It is my opinion that this lack of competition is a large part of what has cause Microsoft to offer increasingly problematic and user-hostile products, and at absurdly inflated prices.

(2) It would create transparency in the operating system. This would allow other companies and developers to create products that interface better with the OS, as well as decrease the amount of viruses and other code exploits written which take advantage of the hidden code.

(3) It would spur actual innovation from Microsoft, as opposed to it merely bundling in features which increase its monopoly but

do not add to, and often hinder, the user experience.

The only argument against this remedy that I can see as viable is that this settlement deprives Microsoft of some of their intellectual property. While very probably true, it is also unfortunate that this is most likely the only way in which Microsoft can be brought to terms in the settlement. As a company which has enjoyed a monopoly position for too long, and which has deprived other firms of their intellectual property and market share, and which has flaunted its disregard for previous judgements against it, I believe that opening the Windows APIs is the only option left to the DOJ if it truly wishes to resolve this issue. Otherwise, we can all expect another investigation like this within the next decade, and each decade after until real action is taken against the Microsoft monopoly.

Sincerely,
 Howard Kistler

MTC-00032720

From: linda woods
 To: Ms. Renata B. Heese
 Date: 1/16/02 7:55am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 linda woods
 44966 camino veste
 temecula, CA 92592-1622
 CC: Citizens for a Sound Economy

MTC-00032721

From: Roger Ryder
 To: Ms. Renata B. Heese
 Date: 1/16/02 8:07am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Roger Ryder

235 E. Garfield St.

Chambersburg, PA 17201-3514

CC: Citizens for a Sound Economy

MTC-00032722

From: James Hinson

To: Ms. Renata B. Heese

Date: 1/16/02 8:12am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

If you will take the time to research it you will see that the stock markets started their downward sperial at about the same time that the law suit against Microsoft started. It has continued to go down since that fateful time. Please, please get off of American businesses back and leave the free enterprize system alone. Every time the government sees fit to intrude on the free enterprize system we end up with nothing but trouble.

Respectfully,

James Hinson

2538 Comanche Trail

Hillsborough, NC 27278-8854

CC: Citizens for a Sound Economy

MTC-00032723

From: Ed Pickett

To: Ms. Renata B. Heese

Date: 1/16/02 8:22am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Ed Pickett

210 Hunter Ln.

CHARLOTTE, NC 28211

CC: Citizens for a Sound Economy

MTC-00032724

From: William A.Pauwels, Sr.

To: judi bron

Date: 1/16/02 8:58am

Subject: More on the Microsoft Settlement

Judi,

Your unhappiness with Microsoft represents a need that another company should exploit. If they were any good they would already be doing so. It is not the Governments business to make Microsoft less competitive.

I sympathize with the technical problems you are having. I go nuts when I have them, which is fairly often. Let's face it, personal computer technology is at the Model-T stage of development. The V-8 hasn't been invented yet. Let's hope it happens soon.

There are so many things the Government should be focused on . . . like preserving good manufacturing jobs in America. Why they keep attacking good American companies makes no sense. Where do they think the good jobs are going to come from?

Also, I think the overpayment of Corporate Executives is a National and perhaps International disgrace. I say that as the 18 year President and COO of a mid-sized multinational company (now semi-retired). It is one thing to invest and risk your own capital and make a fortune . . . it is quit another thing to be given exorbitant salaries and lucrative stock option deals. I know all the arguments about creating value, but this value should be shared with the employees and not hogged up by a handful of greedy executives. Anyway, I appreciate you perspective.

All the best!

Bill Pauwels, Sr.

1-16-02

judi b wrote:

A month ago I would hav agreed with you and then some, but then I had an experience. You know that I am legally blind and work on adaptive equipment. I downloaded IE6 and OE6 and they weren't that compatable with my screen reader. I called in a tech for a lot of money and asked him if he could remove IE6 and OE6 and reinstall OE5 and IE5. It was a brutal job but he eventually did it. In short, because there were componants of the 6 family left in the computer that microsoft designed to not be removed the install of the 5 family really messed up my computer. I could not write an Email and I could not write on the net. In other words I could not write on a search engine a subject I wanted to search for. Since I hav thousands of hours of work on this machine and none of it gets anywhere if I don't have Email, which the reinstall of the 5 family left me with, I spent a harrowing weekend wondering if I would ever send out another article. Bill Gates deserves what he has earned and deserves the noteriety for what he has accomplished. However, why does he have this desire to totally take over every computer to the extent that changes cannot be made because the componants in his software can never get out of a system once they get in? Bill, if you buy a house with a garage would it be fair that the only car that the garage could hold be a chevy? I know this analogy is far fetched but there is nothing else that I know of that dominates like Microsoft. The upshot of my problem is that I reinstalled the 6 family and am living with

the inconveniences that occur with my screen reader, its better than having no Email and no ability to search on the net. Judi

----- Original Message -----

From: "William A.Pauwels, Sr." <wap1102@ix.netcom.com>

To: <microsoft.atr@usdoj.gov>

Sent: Tuesday, January 15, 2002 6:01 PM

Subject: Microsoft Settlement

The case against Microsoft should be dropped. Microsoft has made GREAT contributions to the well-being of mankind and to its institutions.

The Justice Dept.'s persecution of SUCCESSFUL American companies because their competitors don't like them and/or can't measure-up in the marketplace, is ridiculous.

If the Justice Dept. is looking for something to champion, why not go after the thousands of FOREIGN companies doing business in the USA while violating American Antitrust Laws.

Sincerely,

William A. Pauwels, Sr.

1-15-02

MTC-00032725

From: Tyler Haynes

To: Ms. Renata B. Heese

Date: 1/16/02 9:04am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Tyler Haynes

3419 Foss Drive

Saginaw, MI 48603-1711

CC: Citizens for a Sound Economy

MTC-00032726

From: Roberta Hoffman

To: Ms. Renata B. Heese

Date: 1/16/02 9:18am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Roberta Hoffman

2940 W Carson Street Unit 102

Torrance,, CA 90503-6059

CC: Citizens for a Sound Economy

MTC-00032727

From: w. orben

To: Ms. Renata B. Heese

Date: 1/16/02 9:27am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state

attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

w. orben

139 n.fiji is. cir.

no. englewood , FL 34223

CC: Citizens for a Sound Economy

MTC-00032728

From: Samuel Butler

To: Ms. Renata B. Heese

Date: 1/16/02 9:40am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Too,I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, However, the decision to pursue this baseless case, made by the remaining state attorneys general and the District of Columbia, is extremely disappointing and needless.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, we, the members of Citizens for a Sound Economy, are unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Samuel Butler

1487 Shorewood Place

Lakeland, FL 33803-4275

CC: Citizens for a Sound Economy

MTC-00032729

From: John Enright

To: Ms. Renata B. Heese

Date: 1/16/02 9:43am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal governments antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Enright
7 Golden Place
The Woodlands, TX 77381-4329
CC: Citizens for a Sound Economy

MTC-00032730

From: Oscar Engfer
To: Ms. Renata B. Heese
Date: 1/16/02 9:54am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Oscar Engfer
PO Box 26
Orting, WA 98360-0026
CC: Citizens for a Sound Economy

MTC-00032731

From: Peggy Venable
To: Ms. Renata B. Heese
Date: 1/16/02 9:58am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Peggy Venable
13419 Wisterwood
Austin, TX 78729-1941
CC: Citizens for a Sound Economy

MTC-00032732

From: Robert Fricke
To: Ms. Renata B. Heese
Date: 1/16/02 10:25am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Fricke
612 Tara Dr.
High Point, NC 27265-1012
CC: Citizens for a Sound Economy

MTC-00032733

From: Fred Habenicht
To: Ms. Renata B. Heese
Date: 1/16/02 11:31am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Fred Habenicht
163 Prawn Road
Port Angeles, WA 98363-9000
CC: Citizens for a Sound Economy

MTC-00032734

From: Ernest Hartwig
 To: Ms. Renata B. Heese
 Date: 1/16/02 11:40am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Ernest Hartwig
 1534 Mary's Peak Rd.
 Blodgett, OR 97326-9704
 CC: Citizens for a Sound Economy

MTC-00032735

From: Thomas Gillespie
 To: Ms. Renata B. Heese
 Date: 1/16/02 12:11pm
 Subject: Microsoft Settlement (Reject It)

Dear Ms. Heese:

The Microsoft Settlement is bad for the computer industry. Please do not support the settlement. Microsoft needs to know that anti-competitive actions in the market will not be tolerated by our elective leaders.

Respectfully,
 Thomas Gillespie
 P.O. Box 177
 Albany, MO 64402-0177

MTC-00032736

From: Jack Hansen
 To: Ms. Renata B. Heese
 Date: 1/16/02 12:23pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the

federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Jack Hansen
 1600 Verde Lane
 Mundelein, IL 60060-4821
 CC: Citizens for a Sound Economy

MTC-00032737

From: Frank Russo
 To: Ms. Renata B. Heese
 Date: 1/16/02 12:36pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Frank Russo
 PO Box 12
 102 Cambridge Crt
 Havelock, NC 28532-0012
 CC: Citizens for a Sound Economy

MTC-00032738

From: john marten
 To: Ms. Renata B. Heese
 Date: 1/16/02 12:38pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 john marten
 37666 hwy 58
 pleasant hill, OR 97455-9787
 CC: Citizens for a Sound Economy

MTC-00032739

From: Mary Syrdahl
 To: Ms. Renata B. Heese
 Date: 1/16/02 12:51pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Mary Syrdahl
2231 Robinhood
Houston, TX 77005-2603
CC: Citizens for a Sound Economy

MTC-00032740

From: Colin Hathcock
To: Ms. Renata B. Heese
Date: 1/16/02 1:10pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Colin Hathcock
108 Leach Rd
Salisbury, NC 28146-8578
CC: Citizens for a Sound Economy

MTC-00032741

From: Michael Conklin
To: Ms. Renata B. Heese
Date: 1/16/02 2:00pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Conklin
1911 NW 29th Court
Ocala, FL 34475-4710
CC: Citizens for a Sound Economy

MTC-00032742

From: Brian Van Bergen
To: Ms. Renata B. Heese
Date: 1/16/02 2:13pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. DOJ, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless wasteful case.

The settlement is fair to all. It will allow Microsofts competitors to use Microsofts Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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called, emailed, visited, and sent letters to the U.S. DOJ and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brian Van Bergen
141 SW Hawthorne Ct.
Dundee, OR 97115-9547
CC: Citizens for a Sound Economy

MTC-00032743

From: Norman Bresette
To: Ms. Renata B. Heese
Date: 1/16/02 2:20pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Norman Bresette
113 Montclair Road
Mauldin, SC 29662-1829
CC: Citizens for a Sound Economy

MTC-00032744

From: MaryAnn Thompson
To: Ms. Renata B. Heese
Date: 1/16/02 2:40pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows' operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
MaryAnn Thompson
205 Seneca Ct
Franklin, TN 37067-1324
CC: Citizens for a Sound Economy

MTC-00032745

From: Gil
To: DOJ
Date: 1/16/02 2:43pm
Subject: Microsoft Settlement

I should think that my government would have better things to do with my tax dollars than persecute Microsoft. Big business is a notoriously "hard ball" environment, and other software manufacturers had several years to get their "at bats" while MS was still playing with DOS versions 1 through 4.

Windows didn't really become popular until v 3.0, but the slackers in the industry failed to foresee how popular Windows would become. That's not the fault of Gates et al. As for what MS wishes to incorporate into their OS—that should be up to them. It's their product, and if they want to give away a BMW with the damn thing then that's their call! Nobody in the country is selling web browsers anyway, so what's the big deal? None of the other software publishers is building a competitive operating system/interface to try to loosen the MS hold on the market. They'd rather sit around crying to the DOJ about how they've been beaten up by MS because they failed to forecast the market correctly. I have one word for them—TOUGH! If you want to look into some real monopolizing why not check out Apple—they have no competition in their market for either their operating system or hardware.

Or investigate Intel—whose only real competitor, AMD, is having their share of financial woes. To lose AMD would give Intel the same kind of power that you're

claiming Microsoft has garnered through hard work, outstanding marketing, and yes, occasional pressure. But then, everybody in business uses what power they may have to get the edge on their competitors—that's what makes our system work. Mass producers get lower per unit costs on everything than a Mom and Pop operation gets. That hurts the struggling independent—but nobody seems to care much—except Mom and Pop. It's the way things work!

All large businesses use whatever leverage they have to improve their market share while reducing the market prospects of competitors. Microsoft has just been more successful at it than anybody in the world could have imagined when Gates bought the rights to an unpromising DOS from IBM. Bill Gates is the "Alexander the Great" of product development and marketing. The world has never seen the likes of Microsoft before, and it might never see another such phenomena again. He hasn't done anything patently illegal, and there's no law requiring mercy for those who cannot or will not compete—let him enjoy the fruits of his labors. Please spend my tax dollars on something more meaningful than buying Kleenexes for a bunch of sobbing "big business" tycoons who failed to read the writing on the wall.

ACCEPT THE SETTLEMENT OFFER!
CC:MSFIN@Microsoft.com@inetgw

MTC-00032746

From: Richard Higginbotham
To: Ms. Renata B. Heese
Date: 1/16/02 3:04pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows' operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Richard Higginbotham
84 Cherokee Trail
Medford Lakes, NJ 08055-1602
CC: Citizens for a Sound Economy

MTC-00032747

From: Joe Haynes
To: Ms. Renata B. Heese
Date: 1/16/02 3:34pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joe Haynes
10012 130th Lane North
Seminole, FL 33776-1709
CC: Citizens for a Sound Economy

MTC-00032748

From: Delbert Bock
To: Ms. Renata B. Heese
Date: 1/16/02 3:45pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal governments lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Delbert Bock
PO Box 1628
Rogue River, OR 97537-1628
CC: Citizens for a Sound Economy

MTC-00032749

From: Patricia Lauzon
To: Ms. Renata B. Heese
Date: 1/16/02 4:23pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Patricia Lauzon
3811 Beckley
Battle Creek, MI 49015-9329
CC: Citizens for a Sound Economy

MTC-00032750

From: John Wilson
To: Ms. Renata B. Heese

Date: 1/16/02 5:11pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. I see these actions demonstrating the attitude of "let's milk another corporation" a la the heinous assault on "big tobacco." To paraphrase a formal presidential advisor, "It's the money, stupid."

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Window's operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Wilson
R. D. 2
Templeton, PA 16259-9802
CC: Citizens for a Sound Economy

MTC-00032751

From: Randy Copeland
To: Ms. Renata B. Heese
Date: 1/16/02 5:25pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Randy Copeland
3303 Mt. Willing Rd
Efland, NC 27243-9121
CC: Citizens for a Sound Economy

MTC-00032752

From: JEAN Chan
To: Ms. Renata B. Heese
Date: 1/16/02 6:31pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
JEAN Chan
27277 Smith River Rd
Reedsport, OR 97467
CC: Citizens for a Sound Economy

MTC-00032753

From: Walter Gammel
To: Ms. Renata B. Heese
Date: 1/16/02 8:13pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Walter Gammel

10640 East Michigan Avenue

Sun Lakes, AZ 85248-8809

CC: Citizens for a Sound Economy

MTC-00032754

From: Kath Glauser

To: Ms. Renata B. Heese

Date: 1/16/02 9:00pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Kath Glauser

2260 Scovel Ave.

Pennsauken, NJ 08110-1726

CC: Citizens for a Sound Economy

MTC-00032755

From: R. Herschel Wyatt

To: Ms. Renata B. Heese

Date: 1/16/02 9:36pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

R. Herschel Wyatt

68 Delbert Hodge Rd.

London, KY 40741-9061

CC: Citizens for a Sound Economy

MTC-00032756

From: Harry Pierson

To: Ms. Renata B. Heese

Date: 1/17/02 4:44am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of

Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Harry Pierson

11064 Clear Meadows Dr.

Las Vegas, NV 89134-7235

CC: Citizens for a Sound Economy

MTC-00032758

From: Jerry Chabrian

To: Ms. Renata B. Heese

Date: 1/17/02 6:05am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Jerry Chabrian
648 Bua Drive
Temple Terrace, FL 33617-3800
CC: Citizens for a Sound Economy

MTC-00032759

From: Shirley Bossbach
To: Ms. Renata B. Heese
Date: 1/17/02 6:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Shirley Bossbach
6132 Davidson Dr.
Matthews, NC 28104-5450
CC: Citizens for a Sound Economy

MTC-00032760

From: Maryann Christensen
To: Ms. Renata B. Heese
Date: 1/17/02 7:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

LEAVE IT ALONE!! The recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation is fair. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Maryann Christensen
583 East Benbow Street
Murray, UT 84107-5075
CC: Citizens for a Sound Economy

MTC-00032761

From: FRANK SKIERMONT
To: Ms. Renata B. Heese
Date: 1/17/02 7:14am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

FRANK SKIERMONT
25 SHERWOOD LANE
DOYLESTOWN, PA 18901-3234
CC: Citizens for a Sound Economy

MTC-00032762

From: charles braly
To: Ms. Renata B. Heese
Date: 1/17/02 7:26am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

charles braly
685 east adams street
nashville, IL 62263-1766
CC: Citizens for a Sound Economy

MTC-00032763

From: Kevin Allen
To: Ms. Renata B. Heese
Date: 1/17/02 7:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Kevin Allen
3001 Emerald Chase Drive
Oak Hill, VA 20171-2335
CC: Citizens for a Sound Economy

MTC-00032764

From: David Rive
To: Ms. Renata B. Heese
Date: 1/17/02 7:32am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Rive
3320 Kemper Street, 201
San Diego, CA 92110-4905
CC: Citizens for a Sound Economy

MTC-00032765

From: Roger Bartilson
To: Ms. Renata B. Heese
Date: 1/17/02 7:34am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case,

I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Bartilson
17928 Jaguar Path
Lakeville, MN 55044-9678
CC: Citizens for a Sound Economy

MTC-00032766

From: J. Mark (Marco) Gentile
To: Ms. Renata B. Heese
Date: 1/17/02 7:42am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
J. Mark (Marco) Gentile
P.O. Box 2914
La Jolla, CA 92038-2914
CC: Citizens for a Sound Economy

MTC-00032767

From: Brian Humble
To: Ms. Renata B. Heese
Date: 1/17/02 7:47am
Subject: Microsoft Settlement

Dear Ms. Heese:

I am writing to oppose the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that these state attorneys general have decided to let Microsoft win the case.

The settlement is only favorable to Microsoft. It will only allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs but will still give Microsoft more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in their opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like these have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but have not provided any proof to that effect.

Once again, I thank you for your decision to not settle this fortunate lawsuit against an oppressive and monopolistic company.

Respectfully,
Brian Humble
6 Helen Street
Georgetown, DE 19947-9442
CC: Citizens for a Sound Economy

MTC-00032768

From: John Dupree
To: Ms. Renata B. Heese
Date: 1/17/02 7:49am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft.

For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Dupree
8705 Kugler Mill Rd
Cincinnati, OH 45243-1427
CC: Citizens for a Sound Economy

MTC-00032769

From: Jean Fordham
To: Ms. Renata B. Heese
Date: 1/17/02 7:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jean Fordham
891 Warwick Dr.
Macon, GA 31210-1535
CC: Citizens for a Sound Economy

MTC-00032770

From: Jeffrey James
To: Ms. Renata B. Heese
Date: 1/17/02 8:00am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

The settlement is more than fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jeffrey James
822 Forest Ave.
OMAHA, NE 68108-3631
CC: Citizens for a Sound Economy

MTC-00032771

From: Tom Dekker
To: Ms. Renata B. Heese
Date: 1/17/02 8:02am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tom Dekker
22 Serna
RSM, CA 92688-2741
CC: Citizens for a Sound Economy

MTC-00032772

From: derrick@
universaladvertising.com@inetgw
To: addelivery@universaladvertising.
com@inetgw
Date: 1/17/02 8:08am

Subject: Microsoft Settlement

Over the years I have seen MS stifle competition by stomping out rivals. I work in the Web Development arena, helping companies to build on line applications. I also use other operating systems besides Windows. I want the freedom to use the platform of choice and this will only continue to be an option if MS has viable competition. This competition will only continue if developers are not scared away from working with other companies by MS.

The settlement MS has proposed only allows them further inroads into a field (education) where they have the only serious competition. Apple has worked very hard to cultivate the education market—fairly!

To give MS unfettered access to that market would only hasten it's demise. Corporations find themselves spending billions to keep up with MS. Conversely, supporting Apple computers in education is a much more cost efficient method of bringing technology to students. Total cost of ownership is much higher with MS operating systems and compatible PC's. Allowing MS to rapidly corner this market, as the current proposal provides, would not only stifle competitors, it would cost education and thus government even more money and not benefit students beyond what they currently receive.

Derrick Peavy
Sales and Web Services
Universal Advertising
derrick@universaladvertising.com
Phone: 404-786-5036
Fax: 404-477-0527

Corporate:
1304 North Cliff Valley Way
Atlanta, GA 30319
Tearsheets:
PO Box 191188
Atlanta, GA 31119
CC:Microsoft ATR,derrick@

universaladvertising.com@ine...

MTC-00032773

From: Hillary Murphy
To: Ms. Renata B. Heese
Date: 1/17/02 8:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Hillary Murphy
421 Forest Glen Drive
Albany, GA 31707-3009
CC: Citizens for a Sound Economy

MTC-00032774

From: Margaret Bullock
To: Ms. Renata B. Heese
Date: 1/17/02 8:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Margaret Bullock
15 W. Roszell Dr.

Nineveh, IN 46164-9737
CC: Citizens for a Sound Economy

MTC-00032775

From: Robert Moeller
To: Ms. Renata B. Heese
Date: 1/17/02 8:33am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert & Susan Moeller
10706 Silver Pheasant Drive
Charlotte, NC 28226-4614
CC: Citizens for a Sound Economy

MTC-00032776

From: James Warn
To: Ms. Renata B. Heese
Date: 1/17/02 8:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Warn
1901 Conridge Dr
Edmond, OK 73034-6862
CC: Citizens for a Sound Economy

MTC-00032777

From: Ron LITTLE
To: Ms. Renata B. Heese
Date: 1/17/02 8:35am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ron LITTLE
3205 CORAL DRIVE
OCEANSIDE, CA 92056-3927
CC: Citizens for a Sound Economy

MTC-00032778

From: Steven Goldmacher
To: Ms. Renata B. Heese

Date: 1/17/02 8:40am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Steven Goldmacher

9 Brantford Court

Marlboro, NJ 07746-1237

CC: Citizens for a Sound Economy

MTC-00032779

From: William Bertles

To: Ms. Renata B. Heese

Date: 1/17/02 8:48am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that

Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

William Bertles

1805 Kenwood ave

Alexandria, VA 22302-2641

CC: Citizens for a Sound Economy

MTC-00032780

From: Kristopher McCasland

To: Ms. Renata B. Heese

Date: 1/17/02 8:53am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Kristopher McCasland

166 Oxford Ave.

Bradford, MA 01835-8339

CC: Citizens for a Sound Economy

MTC-00032781

From: Lisa Walker

To: Ms. Renata B. Heese

Date: 1/17/02 8:53am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state

attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Lisa Walker

7444 Shadowwood CT NE

Keizer, OR 97303-7853

CC: Citizens for a Sound Economy

MTC-00032782

From: Melissa Hawkes

To: Ms. Renata B. Heese

Date: 1/17/02 8:53am

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Melissa Hawkes
7559 Glowing Ember Court
#201
Las Vegas, NV 89130-7920
CC: Citizens for a Sound Economy

MTC-00032783

From: Stephen Foxx
To: Ms. Renata B. Heese
Date: 1/17/02 9:03am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Stephen Foxx
7915 Champion Ln.
Hazelwood, MO 63042-3501
CC: Citizens for a Sound Economy

MTC-00032784

From: Cheryl Engasser
To: Ms. Renata B. Heese
Date: 1/17/02 9:18am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Cheryl Engasser
1515 Boies Road
East Aurora, NY 14052-9726
CC: Citizens for a Sound Economy

MTC-00032785

From: DONALD WALLING
To: Ms. Renata B. Heese
Date: 1/17/02 9:18am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
DONALD WALLING
855 HEATHERIDGE
BRIGHTON, MI 48116
CC: Citizens for a Sound Economy

MTC-00032786

From: Tom Burris
To: Ms. Renata B. Heese
Date: 1/17/02 9:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tom Burris
P.O. Box 379
4161 Fox Rd
Kingsville, OH 44048-0379
CC: Citizens for a Sound Economy

MTC-00032787

From: George Forray
To: Ms. Renata B. Heese
Date: 1/17/02 9:19am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
George Forray
337 Campbell St.
Mishawaka, IN 46544-2853
CC: Citizens for a Sound Economy

MTC-00032788

From: Rick Moore
To: Ms. Renata B. Heese
Date: 1/17/02 9:21am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Rick Moore
7580 Seacrest Way, North
Noblesville, IN 46060
CC: Citizens for a Sound Economy

MTC-00032789

From: marek@mcmaster.ca@inetgw
To: dept. of justice
Date: 1/17/02 9:23am
Subject: Open file formats

I would like to comment on the Microsoft case. There should be a push towards opening Microsoft file formats (ea.. Word, Excel) if government doesn't want to find itself in a position where Bill Gates will dictate when and what software to use and how much to put in his coffers. It only make sense that user should be able to use any word processor to open a document, or any spreadsheet program to open a spreadsheet

and so on. You do not have to break company apart to force competition. Just insist that in order to get government software contracts, it has to be open file format.

Regards
Marek Kiela
kielam@mcmaster.ca
Canada

MTC-00032790

From: Dale Hash
To: Ms. Renata B. Heese
Date: 1/17/02 9:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dale Hash
8014 Troiano Drive
Culpeper, VA 22701-7267
CC: Citizens for a Sound Economy

MTC-00032791

From: Bernard McCoy
To: Ms. Renata B. Heese
Date: 1/17/02 9:32am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's

Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Bernard McCoy
179 Brandon
Glen Ellyn, IL 60137-5378
CC: Citizens for a Sound Economy

MTC-00032792

From: Eric Gruss
To: Ms. Renata B. Heese
Date: 1/17/02 9:34am
Subject: Microsoft Settlement (Non-Support)

Dear Ms. Heese:

I am writing in non-support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I am disappointed in the nine state attorneys general along with the federal government's decision to settle the case. I am very estatic that remaining state attorneys general and the District of Columbia have decided to further pursue this case.

The settlement is unfair to all. It will allow Microsoft's to continue on with an unfair monopoly of the home PC operating systems. I believe they will also continue to abuse loopholes in this agreement to claim their "openess" while behind the scenes they will make changes to users computers to render other company's software products inoperable.

Recently Microsoft released it's newest operating system that threatens every small software vendor in the US. It gives Microsoft the ability to force updates on users computers that could consequently have adverse effects on other non-microsoft software. Once again, I would urge you not to settle this lawsuit against a successful and innovative company.

Respectfully,
Eric Gruss
2424 Alvarado Dr
Kettering, OH 45420-1010

MTC-00032794

From: Jenny McNamara
To: Ms. Renata B. Heese
Date: 1/17/02 9:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jenny McNamara
2801 Lake Earl Drive
Crescent City, CA 95531-8814
CC: Citizens for a Sound Economy

MTC-00032795

From: Andrew Rufus
To: Ms. Renata B. Heese
Date: 1/17/02 9:48am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Andrew Rufus
221 west 12th street
apt#221
Columbus, OH 43210-1303
CC: Citizens for a Sound Economy

MTC-00032796

From: Robert Moore
To: Ms. Renata B. Heese
Date: 1/17/02 10:06am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Robert Moore
319 W. Oak St.
Washington Court House, OH 43160-1853
CC: Citizens for a Sound Economy

MTC-00032797

From: Ben Leland
To: Ms. Renata B. Heese
Date: 1/17/02 10:10am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. WE HAVE WASTED ENOUGH TIME AND MONEY ON THIS CASE AND SHOULD NOT EXPEND ANYMORE. WE HAVE MANY OTHER PLACES TO PUT THE TAXPAYER'S HARD EARNED MONEY. LETS GET GOING. BTLELAND

Respectfully,
Ben Leland
6041 Kendrick Circle
Huntington Beach, CA 92647-4235
CC: Citizens for a Sound Economy

MTC-00032798

From: David Padden
To: Ms. Renata B. Heese
Date: 1/17/02 10:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Padden
10357 S. Leavitt St.
Chicago, IL 60643-2418

CC: Citizens for a Sound Economy

MTC-00032799

From: M. Sass
To: Ms. Renata B. Heese
Date: 1/17/02 10:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

M. Sass
3550 N Lake Shore Dr
Chicago, IL 60657-1916

CC: Citizens for a Sound Economy

MTC-00032800

From: James Orcutt
To: Ms. Renata B. Heese
Date: 1/17/02 10:18am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

James Orcutt
PO Box 465
Fallbrook, CA 92088-0465

CC: Citizens for a Sound Economy

MTC-00032801

From: Virginia Almonrode
To: Ms. Renata B. Heese
Date: 1/17/02 10:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

Virginia Almonrode
PCO 1st District
8611 NE 135th
Kirkland, WA 98034-1723

CC: Citizens for a Sound Economy

MTC-00032802

From: matthew casey
To: Ms. Renata B. Heese
Date: 1/17/02 10:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Matthew Casey
3601 Genevieve Ave N.
Oakdale, MN 55128-3070

CC: Citizens for a Sound Economy

MTC-00032803

From: David L. Williams
To: Ms. Renata B. Heese
Date: 1/17/02 10:38am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I support the recent settlement of the lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

The majority of Americans also support Microsoft as witnessed by continuing heavy use of their innovative and successful software. The irony of a government trying to destroy a successful business is not lost on many people.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David L. Williams
1335 Sunny Slope Rd.
Fairbanks, AK 99709-6430
CC: Citizens for a Sound Economy

MTC-00032804

From: Jack Davis
To: Ms. Renata B. Heese
Date: 1/17/02 10:38am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Jack Davis
1702 Vintner Way
San Jose, CA 95124-5739
CC: Citizens for a Sound Economy

MTC-00032805

From: Gem Burke
To: Justice
Date: 1/17/02 10:50am
Subject: Fwd: Microsoft Settlement
Addendum

Addendum near bottom
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001
Renata B. Hesse, Antitrust Division
cc Senator Ron Wyden
Senator Gorden Smith
Representative Greg Walden
Attorney General, State of Oregon
1810 Queens Branch Rd.
Rogue River, OR 97537
January 16, 2002
Re: Microsoft Settlement.

My name is Gem Burke and work in the communications industry as an engineer. I do

not claim to be a computer expert or geek, although I probably know more about computers & software than the average user. I am simply a user of computers and their software and I would like a statement about the "Microsoft Settlement?". I have tried reading at least some of the papers on this action and incorporate that with what seems to be happening in the real world. On this very day, I installed my tax program from Quicken and at the end of it Microsoft's Internet Explorer was installed on my computer. I wasn't asked, it wasn't an option. Then I was asked if I wanted to install AOL. So here it is January 16, 2002 and after all the denials of Microsoft, I'm still getting IE shoved down my throat whether I like it or not. They (Microsoft) are obviously not concerned about anything happening to them in court. This is not the first time Intuit has done this to me and complained to them about this then to no avail.

I could tell you about the site on the internet I logged into that changed all my defaults from Netscape to IE or any of quite a number of other examples of blatant examples of monopolistic behavior but the point I thought important is even on this late date, Microsoft is continuing to muscle out competition confident that it will come through this proceedings unscathed.

I work in the telephone business and one thing for sure, as AT&T was accused of being a monopoly and they were forced to breakup into a dozen smaller companies for anticompetitiveness then, Microsoft should be broken up into 200 smaller companies because not only is Microsoft bigger and stronger, he doesn't even try to hide the fact that he plans to muscle everyone else out. I'm not a lawyer but a blind man could see the blatant anticompetitiveness of Microsoft and the fact that he can use his resources to beat off anybody including the justice department.

01-17-02 Today I tried using Turbo Tax. The first thing to do is update for latest tax information. TT (Turbo Tax) will only allow this to be done using IE (Internet Explorer). Trying to get help or post comments with Netscape only results in error messages.

TT help says: *****
"Internet Explorer is installed to allow TurboTax to quickly and reliably identify your Internet Service Provider(s) (i.e. AOL, Earthlink...) and allow you to connect to the Internet through TurboTax. Access to the Internet is required to update your product, download your state program, and file electronically. Internet Explorer is not configured as your default browser and can be uninstalled from your computer along with TurboTax after you have filed your tax return." *****

Which brings to question, "Why do they need to know who my IP is?" Secondly, I suspect they are really gathering some other kind of information from the computer, illegally, why else would they insist on using this browser? There may be a lot of undocumented features of IE may allow them to do lots of illegal snooping of my records. And it is just possible that Quicken has a backdoor built into their programs that allows them access to all my financial records. If this could be referred to the proper authorities or somebody tell me who I could refer this to.

I believe I have a valid complaint and I would like to see something done about it.

Thank You
Gem Burke

MTC-00032806

From: A. Lorenz
To: Ms. Renata B. Heese
Date: 1/17/02 10:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
A. Lorenz
RR1
Warsaw, OH 43844
CC: Citizens for a Sound Economy

MTC-00032807

From: Alben Du Vall
To: Ms. Renata B. Heese
Date: 1/17/02 10:54am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alben Du Vall
PO Box 199

West Hamlin, WV 25571-0199
CC: Citizens for a Sound Economy

MTC-00032808

From: Elizabeth LeForge
To: Ms. Renata B. Heese
Date: 1/17/02 10:59am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Elizabeth LeForge
1201 Woodrow Wilson
Fostoria, OH 44830-1663

MTC-00032809

From: Alan Price
To: Ms. Renata B. Heese
Date: 1/17/02 11:01am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Alan Price
18 Bedford Terrace
Turnersville, NJ 08012-2102
CC: Citizens for a Sound Economy

MTC-00032810

From: Dave Hammond
To: Ms. Renata B. Heese
Date: 1/17/02 11:10am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dave Hammond
215 Main Street
Culver, KS 67484-9131
CC: Citizens for a Sound Economy

MTC-00032811

From: Ethelmae Humphreys
To: Ms. Renata B. Heese
Date: 1/17/02 11:11am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ethelmae Humphreys
2505 E. 11th St.
Joplin, MO 64801-5330
CC: Citizens for a Sound Economy

MTC-00032812

From: Robert Edwards
To: Ms. Renata B. Heese
Date: 1/17/02 11:20am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will

give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Edwards
179 Taurus Drive
Santa Rosa Beach, FL 32459-5408
CC: Citizens for a Sound Economy

MTC-00032813

From: Jed Rice
To: Ms. Renata B. Heese
Date: 1/17/02 11:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

To many of us the Microsoft litigation appears to be nothing more than the heavy hand of government in search of more money to squander. The government appears always to search for more money and power, without any increase in its effectiveness. The net effect is to reduce freedom for everyone and increase the cost of government and everything we purchase. We should be reducing the power and intrusiveness of government and get back to the role of government envisioned in the constitution.

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jed Rice
jedrice@yahoo.com
San Ramon, CA 94583
CC: Citizens for a Sound Economy

MTC-00032814

From: JoAnn King
To: Ms. Renata B. Heese
Date: 1/17/02 11:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
JoAnn King
2118 East Pike
Zanesville, OH 43701-4621
CC: Citizens for a Sound Economy

MTC-00032815

From: Melanie Berrett
To: Ms. Renata B. Heese
Date: 1/17/02 11:41am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Melanie Berrett
20811 Quiet Brook Place
Potomac Falls, VA 20165-5866
CC: Citizens for a Sound Economy

MTC-00032816

From: David Seng
To: Ms. Renata B. Heese
Date: 1/17/02 11:44am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
David Seng
360 Browns Point
Dawsonville, GA 30534-6903
CC: Citizens for a Sound Economy

MTC-00032817

From: Rick Sexauer

To: Ms. Renata B. Heese
 Date: 1/17/02 11:53am
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Rick Sexauer
 2517 La Sierra Court
 Camarillo, CA 93012-8812
 CC: Citizens for a Sound Economy

MTC-00032818

From: JOHN D. BORGES
 To: Ms. Renata B. Heese
 Date: 1/17/02 12:00pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

JOHN D. BORGES
 9538 RT220 HWY
 HUGHESVILLE, PA 17737
 CC: Citizens for a Sound Economy

MTC-00032819

From: David Littmann
 To: Ms. Renata B. Heese
 Date: 1/17/02 12:01pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

David Littmann
 2752 Courville Drive
 Bloomfield Hills, MI 48302-1017
 CC: Citizens for a Sound Economy

MTC-00032820

From: Patricia Shampo
 To: Ms. Renata B. Heese
 Date: 1/17/02 12:20pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this

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Respectfully,

Patricia Shampo
 1046 Hwy M 35
 Bark River, MI 49807-9770
 CC: Citizens for a Sound Economy

MTC-00032821

From: Charlie Browne
 To: Ms. Renata B. Heese
 Date: 1/17/02 12:21pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Continued harassment of Microsoft can only further weaken the economies of both the USA as well as Washington and the Puget Sound area. This state already has the second

highest unemployment rate in the nation. Enough is enough. They have been punished. We all have been punished! Look at the timing of the start of the nations economic demise and the position of Janet Reno's "case" in April of 2000.

Respectfully,
Charlie Browne
638 164th Pl NE
Bellevue, WA 98008-4013
CC: Citizens for a Sound Economy

MTC-00032822

From: Brenda Martin
To: Ms. Renata B. Heese
Date: 1/17/02 12:21pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Brenda Martin
4236 Irene Drive
Anchorage, AK 99504-4629
CC: Citizens for a Sound Economy

MTC-00032823

From: Eric Ivers
To: Ms. Renata B. Heese
Date: 1/17/02 12:23pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

Please accept the settlement for the Microsoft case. We have spent altogether too much time and money on this in the first place, and it is time to move on.

Respectfully,
Eric Ivers
145 Locust
Carrollton, IL 62016-1328
CC: Citizens for a Sound Economy

MTC-00032824

From: Kate Mulligan
To: Ms. Renata B. Heese
Date: 1/17/02 12:24pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Kate Mulligan
22 Overlook Drive
Wilbraham, MA 01095-1924
CC: Citizens for a Sound Economy

MTC-00032825

From: Pat Cygan
To: Ms. Renata B. Heese
Date: 1/17/02 12:38pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Pat Cygan
1642 Lara St. N.E.
Palm Bay, FL 32907-2421
CC: Citizens for a Sound Economy

MTC-00032826

From: J.Bryan Mc Duffie
To: Ms. Renata B. Heese
Date: 1/17/02 1:31pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
J.Bryan Mc Duffie
110 Mc Duffie Lane
P. O. Box 1594
West Monroe, LA 71291-9425
CC: Citizens for a Sound Economy

MTC-00032827

From: Ramon Ramirez
To: Ms. Renata B. Heese
Date: 1/17/02 1:32pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state

attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ramon Ramirez
3295 N 153rd Dr
Goodyear, AZ 85338-8530
CC: Citizens for a Sound Economy

MTC-00032828

From: David Bartlett
To: Ms. Renata B. Heese
Date: 1/17/02 1:39pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Bartlett
1401 Stonington Drive
Wilmington, NC 28412-5113
CC: Citizens for a Sound Economy

MTC-00032829

From: John Blanton
To: Ms. Renata B. Heese
Date: 1/17/02 1:41pm
Subject: Against Microsoft Settlement

Dear Ms. Heese:

I am writing in against the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. I disappointed in the nine state attorneys general that decided to follow the federal government's lead and settle the case, I thoroughly approve of the decision by the remaining state attorneys general and the District of Columbia to further pursue this case.

The settlement achieves nothing. It leaves Microsoft in position to use Microsoft's Windows operating system as an unfair leverage against their competitors (such as they did with Netscape) and will leave consumers with less services and products to choose from.

As you are well aware, most, but not all, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. Myself, I thought the initial case did not go far enough. As someone who works daily with the internet and many different software packages, I have seen Microsoft use their knowledge of their own operating system to give themselves an unfair advantage over their competitors. By including more and more options, such as browsers and media players, in their OS and using their financial weight against OEMs (Original Equipment Manufacturers) they have eliminated many competitors. I ask you to reconsider your decision to settle this appropriate lawsuit against a successful and predatory company.

Respectfully,
John Blanton
9421 Paigefield Ct.
Richmond, VA 23229-6258
CC: Citizens for a Sound Economy

MTC-00032830

From: Mary Wofford
To: Ms. Renata B. Heese
Date: 1/17/02 2:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Mary Wofford
1221 Charlane Ct.
St. Louis, MO 63119-1103
CC: Citizens for a Sound Economy

MTC-00032831

From: Leonard Tillerson
To: Ms. Renata B. Heese
Date: 1/17/02 2:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Leonard Tillerson
244 Osprey Circle
St. Marys, GA 31558-4101
CC: Citizens for a Sound Economy

MTC-00032832

From: Ronald Huston
To: Ms. Renata B. Heese
Date: 1/17/02 2:18pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Ronald Huston

1749 W. Placita de Vanegas

Tucson, AZ 85704-1000

CC: Citizens for a Sound Economy

MTC-00032833

From: Brian Baumgartner

To: Ms. Renata Hesse

Date: 1/17/02 2:31pm

Subject: Microsoft Settlement

Brian Baumgartner

22365 El Toro Road, #421

Lake Forest, CA 92630

January 17, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Brian J. Baumgartner

MTC-00032834

From: James Rolan

To: Ms. Renata B. Heese

Date: 1/17/02 2:32pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Rolan

814 Sunshine Canyon Drive

Boulder, CO 80302-9727

CC: Citizens for a Sound Economy

MTC-00032835

From: emilio despirito

To: Ms. Renata B. Heese

Date: 1/17/02 2:32pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

emilio despirito

234 croton ave

bedford corners, NY 10549-4033

CC: Citizens for a Sound Economy

MTC-00032836

From: David Beatty

To: Ms. Renata B. Heese

Date: 1/17/02 2:34pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
David Beatty
1106 Crossing Way NW
Cleveland, TN 37312-3061
CC: Citizens for a Sound Economy

MTC-00032837

From: Gene Ruminski
To: Ms. Renata B. Heese
Date: 1/17/02 2:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gene Ruminski
606 Pine Crest Drive
Heathsville, VA 22473-4305
CC: Citizens for a Sound Economy

MTC-00032838

From: Karin Wilson
To: Ms. Renata B. Heese
Date: 1/17/02 3:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Karin Wilson
8306 West 90th Avenue
Westminster, CO 80021-4540
CC: Citizens for a Sound Economy

MTC-00032839

From: Mary Rogers
To: Ms. Renata B. Heese
Date: 1/17/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to

incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Mary Rogers
39 Windsor Drive
Tuscaloosa, AL 35404-4335
CC: Citizens for a Sound Economy

MTC-00032840

From: Michael Pehel
To: Ms. Renata B. Heese
Date: 1/17/02 3:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Pehel
55 Hunters Lane
South Huntington, NY 11746-3934
CC: Citizens for a Sound Economy

MTC-00032841

From: Henry Ayre

To: Ms. Renata B. Heese
Date: 1/17/02 3:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Henry Ayre
P. O. Box 2571
Soldotna, AK 99669-2571
CC: Citizens for a Sound Economy

MTC-00032842

From: LISA STEVENSON
To: Ms. Renata B. Heese
Date: 1/17/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers,

but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

LISA STEVENSON
813 RUTLEDGE ROAD
CHESAPEAKE, VA 23320-6021
CC: Citizens for a Sound Economy

MTC-00032843

From: michael lewis
To: Ms. Renata B. Heese
Date: 1/17/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

michael lewis
3440 quebec ave so
st louis park, MN 55426-4021
CC: Citizens for a Sound Economy

MTC-00032844

From: george flanagan
To: Ms. Renata B. Heese
Date: 1/17/02 3:24pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of

Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

george flanagan
602 ironwood
normal, IL 61761-5268
CC: Citizens for a Sound Economy

MTC-00032845

From: William Lewis
To: Ms. Renata B. Heese
Date: 1/17/02 3:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

William Lewis
5595 Caribou Trail
Stevensville, MI 49127-1310

CC: Citizens for a Sound Economy

MTC-00032846

From: James Braly
To: Ms. Renata B. Heese
Date: 1/17/02 3:29pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in total support of the recent settlement of the long-running, envy-driven antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless and harmful case.

The settlement is more than fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers like me more services and products to choose from.

As you should be well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, tens of thousands of activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided us with great benefits by lowering the cost, increasing the availability of software products, and opening up an immediate worldwide access to knowledge. We have stressed that Microsoft is a much admired pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a highly successful and innovative company.

Respectfully,

James Braly
451 Crestdale Lane
#163

Las Vegas, NV 89144-1005

CC: Citizens for a Sound Economy

MTC-00032847

From: jim gaines
To: Ms. Renata B. Heese
Date: 1/17/02 3:31pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. As a long time member of the computer industry I have seen Microsoft's service to the user community as a positive influence.

Respectfully,

jim gaines
603 w13 ste 1a-113
austin, TX 78701-1731

CC: Citizens for a Sound Economy

MTC-00032848

From: Ron Hendrix
To: Ms. Renata B. Heese
Date: 1/17/02 3:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Ron Hendrix
1374 Redondo Ct.
Los Lunas, NM 87031-9041

CC: Citizens for a Sound Economy

MTC-00032849

From: peter stebbins
To: Ms. Renata B. Heese
Date: 1/17/02 4:37pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

peter stebbins
32 bradford st
concord, MA 01742-2940

CC: Citizens for a Sound Economy

MTC-00032850

From: Robert St. Louis
To: Ms. Renata B. Heese
Date: 1/17/02 4:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. I am also disappointed that this case was ever brought against Microsoft Corporation. It seems that this country is bent on punishing successful enterprises, usually at the urging of those that are less imaginative and hard working.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to

the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert St. Louis
#6 Ruby Mountain Estates
Spring Creek, NV 89815-5655
CC: Citizens for a Sound Economy

MTC-00032851

From: Jean Castagno
To: Ms. Renata B. Heese
Date: 1/17/02 5:07pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Jean Castagno
75 Fenwood Drive
Old Saybrook, CT 06475-3031
CC: Citizens for a Sound Economy

MTC-00032852

From: Christopher Boggs
To: Ms. Renata B. Heese
Date: 1/17/02 5:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state

attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Christopher Boggs
120 Charles St.
Sulphur Springs, TX 75482-3504
CC: Citizens for a Sound Economy

MTC-00032853

From: Ernest Thabet
To: Ms. Renata B. Heese
Date: 1/17/02 5:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Ernest Thabet
3071 Clear Springs Court
Charlottesville, VA 22911-7219
CC: Citizens for a Sound Economy

MTC-00032854

From: Amanda Jervis
To: Ms. Renata B. Heese
Date: 1/17/02 6:00pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Amanda Jervis
2307 Englewood Ave
Durham, NC 27705-4014
CC: Citizens for a Sound Economy

MTC-00032855

From: Joseph Hull
To: Ms. Renata B. Heese
Date: 1/17/02 6:16pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

Joseph Hull

Whispering Sands Ranch

CHS Star Route Box 66

Castle Hot Springs, AZ 85342-0066

CC: Citizens for a Sound Economy

MTC-00032856

From: Jeff Farnham

To: Ms. Renata B. Heese

Date: 1/17/02 6:17pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Jeff Farnham

2353 Swindon Lane

Kernersville, NC 27284-4336

CC: Citizens for a Sound Economy

MTC-00032857

From: Loy Puckett

To: Ms. Renata B. Heese

Date: 1/17/02 7:09pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Loy Puckett

4108 S. Fall Ridge Dr.

Columbia, MO 65203-6629

CC: Citizens for a Sound Economy

MTC-00032858

From: Sumner Kibbe

To: Ms. Renata B. Heese

Date: 1/17/02 7:15pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Sumner Kibbe

43 Horn Cove Road

Southport, ME 04576

CC: Citizens for a Sound Economy

MTC-00032859

From: Candy Scott

To: Ms. Renata Hesse

Date: 1/17/02 7:25pm

Subject: Microsoft Settlement

Candy Scott

317 White Oak Dr.

Lake Dallas, TX 75065

January 17, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense,

and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Candy Scott

MTC-00032860

From: steve raulerson
To: Ms. Renata B. Heese
Date: 1/17/02 7:48pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
steve raulerson
11310 soforenko dr
jacksonville, FL 32218-4133
CC: Citizens for a Sound Economy

MTC-00032861

From: Luke Elliott

To: Ms. Renata B. Heese
Date: 1/17/02 7:51pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Luke Elliott
1252 Yorkshire
Grosse Pointe Park, MI 48230-1106
CC: Citizens for a Sound Economy

MTC-00032862

From: Donald Phillips
To: Ms. Renata B. Heese
Date: 1/17/02 7:52pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Phillips
1220 s. 28th. st.
Broken Arrow, OK 74014-5015
CC: Citizens for a Sound Economy

MTC-00032863

From: Harold Beam
To: Ms. Renata B. Heese
Date: 1/17/02 8:18pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harold Beam
6191 Mountinside Drive
Hickory, NC 28601-9433
CC: Citizens for a Sound Economy

MTC-00032864

From: Christopher Woods
To: Ms. Renata B. Heese
Date: 1/17/02 8:38pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Christopher Woods
23911 Ash Lane
Mission Viejo, CA 92691-3010
CC: Citizens for a Sound Economy

MTC-00032865

From: Christopher Phair
To: Ms. Renata B. Heese
Date: 1/17/02 8:52pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Christopher Phair
3217 St. Paul St.
Baltimore, MD 21218-3326
CC: Citizens for a Sound Economy

MTC-00032866

From: Igor and Maria PALLEY
To: Ms. Renata B. Heese
Date: 1/17/02 8:52pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

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Once again, we thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Igor and Maria PALLEY
18 Dean Street
MADISON, NJ 07940-2215
CC: Citizens for a Sound Economy

MTC-00032867

From: Dolores Hasse
To: Ms. Renata B. Heese
Date: 1/17/02 10:19pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

What happened to free enterprise and the desire to better one's self with your ideas?

Respectfully,
Dolores Hasse
523 Opal Ave.
Klamath Falls, OR 97601-1037
CC: Citizens for a Sound Economy

MTC-00032868

From: Carrie Allen
To: Ms. Renata B. Heese
Date: 1/17/02 10:41pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carrie Allen
7912 Lowtide Circle

Huntington Beach, CA 92648-2301
CC: Citizens for a Sound Economy

MTC-00032869

From: gleen murray
To: Ms. Renata B. Heese
Date: 1/18/02 2:47am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
gleen murray
201 w mary st
bristol, VA 24201-4660
CC: Citizens for a Sound Economy

MTC-00032870

From: Andrew Grisham
To: Ms. Renata B. Heese
Date: 1/18/02 2:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew Grisham
8713 Golden Gardens Dr. N. W.
Seattle, WA 98117-3942
CC: Citizens for a Sound Economy

MTC-00032871

From: Jacquelyn Currie
To: Ms. Renata B. Heese
Date: 1/18/02 4:27am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jacquelyn Currie
1933 Lakeshore Drive
Hot Springs, AR 71913-5425
CC: Citizens for a Sound Economy

MTC-00032873

From: Cindy Schierling
To: Ms. Renata B. Heese
Date: 1/18/02 5:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Cindy Schierling
479 E. 341st Street
Lebo, KS 66856-9119
CC: Citizens for a Sound Economy

MTC-00032874

From: james m nordlund
To: Ms. Renata Hesse
Date: 1/18/02 5:13am
Subject: Microsoft Settlement
james m nordlund

p.o.b. 982
Lakin, KS 67860-0982
January 18, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Hello! I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Viva la evolution, viva green party! reality
Thank for your attention and time.

Sincerely,
james m nordlund

MTC-00032875

From: George Buttery
To: Ms. Renata B. Heese
Date: 1/18/02 6:03am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's

Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
George Buttery
14458 Hillview Drive
Largo, FL 33774-5033
CC: Citizens for a Sound Economy

MTC-00032876

From: ray lambright
To: Ms. Renata B. Heese
Date: 1/18/02 6:43am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
ray lambright
3158 massievile rd.
chillicothe, OH 45601-8914
CC: Citizens for a Sound Economy

MTC-00032877

From: William Stoner
To: Ms. Renata B. Heese
Date: 1/18/02 6:54am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
William Stoner
2020 Madison SE
Grand Rapids, MI 49507-3152
CC: Citizens for a Sound Economy

MTC-00032878

From: Taxabo2@aol.com@inetgw
To: libertariansociety@
yahoogroups.com@inetgw
Date: 1/18/02 9:00am
Subject: Microsoft lobbying opportunity . . .
Gentlepeople:

Public comment on the Microsoft anti-trust case officially closes January 28th. If, like me, you wish to make your "two cents worth" heard, simply email your comments to Attorney General John Ashcroft's anti-trust office at: microsoft.atr@usdoj.gov. You can also let Microsoft read your comments by emailing Microsoft at: fin@mobilizationoffice.com . Here are my comments.

Dear Attorney General Ashcroft:
From the beginning I have regarded the anti-trust case against Microsoft as bogus, just another tiresome example of socialist religiosity imposing their dogma of business virtue in the form of "perfect competition."

As a Tolerant Party supporter, I, of course, am a critic of unlimited government, of letting government do more than impose the limited virtue of peace through enforcement of universal, natural, human, individual rights.

There is no right to be kept competitive, or to have others kept less competitive than one's self. The only legitimate competition-related rights are those of freedom from fraud and defense of one's property rights. Bundling evermore software programs into one's browser, and not giving equal access to other firm's software, is a browser owner's property right rather than a violation of such.

I hope that in this age of global terrorism by Al Qaeda's vice and virtue squads you and other government leaders can relearn the virtue of limited government. Just as we must defund terrorists by legalizing the drug usage from which they derive so much illicit income, we must stimulate the American economy by legalizing freedom of competition. It is time to stop imposing our ruling elite's religious convictions about unlimited perfection of society with their wars on drugs, unfair competition, pornography, poverty, ad nauseum.

The militarization of society in pursuit of unlimited moral perfection leads to the destruction of such societies. When Rome abandoned their tolerant religious policies and began forcing every Roman to worship their new emperors as deities, Christianity became uniquely important a resistance force to Roman oppression as Christians alone refused to worship Rome's new emperor gods. Christians were actually persecuted as "atheists" because of their anti-emperor-deity attitude. If Rome's decline into unlimited "virtue" by government decree, the destruction of Imperial Japan, Nazi Germany and the Soviet Union's similar decline should be instructive. However, Taliban Afghanistan's theocracy shows how few rulers learn this history lesson.

Sincerely,
Robert Bakhaus
taxabo2@aol.com

MTC-00032879

From: Samir Vyas
To: Ms. Renata Hesse
Date: 1/18/02 9:04am
Subject: Microsoft Settlement
Samir Vyas
39 E. 9th St #209
Indianapolis, IN 46204
January 18, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties

worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Samir Vyas

MTC-00032880

From: Davie Kimbrell
To: Ms. Renata B. Heese
Date: 1/18/02 9:55am
Subject: Microsoft Settlement (Support) Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Davie Kimbrell
PO Box 333
Southmont, NC 27351-0333
CC: Citizens for a Sound Economy

MTC-00032881

From: Daniel Bakstad
To: Attorney General John Ashcroft
Date: 1/18/02 10:40am
Subject: Microsoft Settlement
January 18, 2002

Dear Mr. Ashcroft:

As one of America's largest employers, Microsoft has been unwisely targeted in this antitrust dispute, especially when you consider the current state of the American economy. Microsoft is a successful company, built by the standards of the American dream. The attack on this company is an attack on the American dream.

The settlement that has been reached is a good one in spite of the rather harsh terms that Microsoft will be complying with. For example, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows' operating system products-first in an antitrust settlement. The most important thing, at this point, is just to get this litigation behind us so we can focus on more important issues.

Thank you for all that you have done in bringing about this settlement. Your decision to settle has shown true foresight and wisdom on your part. Hopefully, the remaining nine states still pursuing litigation will soon see the wisdom of this settlement. Thank you.

Sincerely,
Daniel Bakstad
1301 Stonehurst Dr
Anderson, SC 29621

MTC-00032882

From: Irene Wice
To: Ms. Renata B. Heese
Date: 1/18/02 11:23am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of

Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Irene Wice
156 Windrose Driv e
Thousand Oaks, CA 91320-3563
CC: Citizens for a Sound Economy

MTC-00032883

From: Janet Simonson
To: Ms. Renata B. Heese
Date: 1/18/02 11:49am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Janet Simonson
PO Box 1235
Suquamish, WA 98392-1235
CC: Citizens for a Sound Economy

MTC-00032884

From: Charlotte Worden
To: Ms. Renata Hesse
Date: 1/18/02 11:56am
Subject: Microsoft Settlement
Charlotte Worden
1821 2nd St
Lewiston, ID 83501
January 18, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charlotte Worden

MTC-00032885

From: Roger Cooper
To: Ms. Renata B. Heese
Date: 1/18/02 1:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Roger Cooper
336 Live Oak Dr.
336 Live Oak Dr.
Vero Beach, FL 32963-9677
CC: Citizens for a Sound Economy

MTC-00032886

From: Michelle Fogle
To: Ms. Renata B. Heese
Date: 1/18/02 1:13pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Michelle Fogle

24810 Northampton Forest Dr.
Spring, TX 77389-2911

CC: Citizens for a Sound Economy

MTC-00032887

From: Jerry Jones

To: Ms. Renata B. Heese

Date: 1/18/02 1:52pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,

Jerry Jones

5845 E Placita Alta Reposa

Tucson, AZ 85750-1096

CC: Citizens for a Sound Economy

MTC-00032888

From: James Smith

To: Ms. Renata B. Heese

Date: 1/18/02 1:53pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Smith

2671 Warwick Circle, NE

Atlanta, GA 30345-1633

CC: Citizens for a Sound Economy

MTC-00032889

From: CAROLE MARZ

To: Ms. Renata B. Heese

Date: 1/18/02 2:56pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

CAROLE MARZ

P. O. Box 174

Chincoteague, VA 23336-0174

CC: Citizens for a Sound Economy

MTC-00032890

From: Stuart B. Holoman

To: To Whom It May Concern

Date: 1/18/02 3:10pm

Subject: Microsoft Settlement

To Whom It May Concern:

I understand that the address to which this email is being sent is the proper address for making comments relative to the DOJ proposed antitrust settlement with 9 states and Microsoft.

I believe that the proposed settlement is adequate and sufficient to complete any dealings between the DOJ and Microsoft. It seems to me that the provisions of the agreement are tough, reasonable, and more than fair to all parties involved. I believe completing this settlement is in the public interest and certainly in my personal interest. It is time to let Microsoft get on with their business and improve their products, of which I am a continuous user. I believe it is time to allow Microsoft to stop expending massive funds paying lawyers to defend itself against these suits and allow those funds to be used for the improvement of Microsoft products.

As a Microsoft stock holder, I believe that settlement of this action will improve my equities position.

The proposed settlement is in my interest and the public interest. The District Court reviewing the case should so find.

Thank you,

Stuart Holoman

2617 Countrywood Road

Raleigh, NC 27615

sholoman@holocon.net

MTC-00032891

From: CONRAD ODENTHAL

To: Ms. Renata B. Heese
Date: 1/18/02 4:15pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
CONRAD ODENTHAL
25575 SW LABROUSSE RD
SHERWOOD, OR 97140-8807
CC:
Citizens for a Sound Economy

MTC-00032892

From: Andrew Horras
To: Ms. Renata B. Heese
Date: 1/18/02 4:26pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Andrew Horras
7 Wheatfield Ct.
Collinsville, IL 62234-2239
CC: Citizens for a Sound Economy

MTC-00032893

From: Harris Hall
To: Ms. Renata B. Heese
Date: 1/18/02 6:25pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harris Hall
777 S. Orange Grove Blvd.
Apartment #2
Pasadena, CA 91105-1761
CC: Citizens for a Sound Economy

MTC-00032894

From: Rosemary Cleland
To: Ms. Renata B. Heese
Date: 1/18/02 7:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rosemary Cleland
575 Hobson Street
Unit C
Bishop, CA 93514-2500
CC: Citizens for a Sound Economy

MTC-00032895

From: David Trend
To: Ms. Renata B. Heese
Date: 1/18/02 9:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
David Trend
25 Lakeview Drive
Skillman, NJ 08558-2406
CC: Citizens for a Sound Economy

MTC-00032896

From: Benjamin Gronke
To: Ms. Renata Hesse
Date: 1/18/02 11:07pm
Subject: Microsoft Settlement
Benjamin Gronke
993 East Madison Street
Waterloo, WI 53594
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

Prior to the September 11 terrorist attacks, Osama Bin Laden had already carried out numerous attacks against U.S. embassies and military installations. However, prior to September 11, the United States was spending more money chasing Bill Gates than it was chasing Osama Bin Laden. IS IT NOT TRUE THAT BILL GATES GIVES MILLIONS OF DOLLARS TO CHARITY AND OSAMA BIN LADEN IS A TERRORIST? I AM VERY DISAPPOINTED THAT MY GOVERNMENT SPENT MORE MONEY TRYING TO DESTROY BILL GATES THAN IT DID TRYING TO DESTROY A MURDERER NAMED OSAMA BIN LADEN!

Who's more dangerous? A businessman pursuing the American Dream, or a guy that runs a terrorist organization aimed at killing Americans? I think the majority of Americans would agree that a terrorist is more of a threat.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit

during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Benjamin Gronke

MTC-00032897

From: Les (038) Patricia Cowen
To: Ms. Renata B. Heese
Date: 1/19/02 5:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Les & Patricia Cowen
421 N. Turkey Pine Loop
Lecanto, FL 34461-8434
CC: Citizens for a Sound Economy

MTC-00032898

From: Thomas Dibble
To: Ms. Renata Hesse
Date: 1/19/02 5:21am
Subject: Microsoft Settlement
Thomas Dibble
21601 Redwing Ave
Jordan, MN 55352
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of

this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance—the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case—the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Dibble

MTC-00032899

From: Frank Corradino
To: Ms. Renata B. Heese
Date: 1/19/02 6:56am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I write in support of the recent settlement of the long-running antitrust lawsuit between

the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Frank Corradino
8540 Clinton Ave.
Rome, NY 13440-9354
CC: Citizens for a Sound Economy

MTC-00032900

From: hammond
To: Judge Kollar-Kotally
Date: 1/19/02 6:57am
Subject: Microsoft settlement

Honorable Judge Koller-Kotally:

We are writing this as a concerned citizen to express our concerns in regards to the Microsoft Proposed Final Judgement.

This Judgement does not deal with any of the three points with which

Microsoft was viewed as having violated.

1. Their illegal monopoly
2. To deny Microsoft the fruits of its past violations, nor
3. To prevent any such future anti-competitive activity.

Microsoft should not be granted a government mandated monopoly.

Therefore we urge you not to accept the Proposed Final Judgement.

Sincerely,
Rob and Shirley Hammond
Permanent address in US
312 Homecrest Dr
Willow Street, PA 17584-9449
In Austria,
Ocwirkgasse 9/4/9
A-1210 Vienna, Austria
E-Mail bushhammond@europe.com

MTC-00032901

From: Richard Moss
To: Ms. Renata B. Heese
Date: 1/19/02 8:53am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Moss
212 E. Mission St.
Santa Barbara, CA 93101-1045
CC: Citizens for a Sound Economy

MTC-00032902

From: Irving Smith
To: Ms. Renata Hesse
Date: 1/19/02 1:21pm
Subject: Microsoft Settlement
Irving Smith
1618 Florida Ave.
Woodbridge, VA 22191
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Irving and Midge Smith -

MTC-00032903

From: S. Currie
To: Ms. Renata B. Heese
Date: 1/19/02 1:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this extremely costly case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give

consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, people like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

S. Currie

34300 Wallis

Clinton Twp, MI 48035-3684

CC: Citizens for a Sound Economy

MTC-00032904

From: William Barrington

To: Ms. Renata B. Heese

Date: 1/19/02 1:47pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

William Barrington

1506 Keel Drive

Corona Del Mar, CA 92625-1241

CC: Citizens for a Sound Economy

MTC-00032905

From: Bruce Butts

To: Ms. Renata Hesse

Date: 1/19/02 2:05pm

Subject: Microsoft Settlement

Bruce Butts

4908 Breeze Way

Dumfries, VA 22026-1253

January 19, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Bruce Butts

MTC-00032906

From: Robert Goodwyn

To: Ms. Renata Hesse

Date: 1/19/02 2:14pm

Subject: Microsoft Settlement

Robert Goodwyn

4202 Pickering Place

Alexandria, VA 22309-2821

January 19, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert T. Goodwyn

MTC-00032907

From: Thomas Fraser
To: Ms. Renata Hesse
Date: 1/19/02 3:42pm
Subject: Microsoft Settlement
Thomas Fraser
1604 E. Texas Ave.
Baytown, Tx 77520
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Thomas B. Fraser

MTC-00032908

From: Gwen Luhning
To: Ms. Renata Hesse
Date: 1/19/02 4:26pm
Subject: Microsoft Settlement
Gwen Luhning
190 Madrone Ridge Dr
Grants Pass, OR 97527-9144
January 19, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. It's time to move on to other matters. Settle this case.

Sincerely,
Gwen R. Luhning

MTC-00032909

From: Nina McCorkle
To: Ms. Renata B. Heese
Date: 1/19/02 6:21pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Nina McCorkle
637 Eisenhower St.
Davis, CA 95616-3030
CC: Citizens for a Sound Economy

MTC-00032910

From: Don Levy, M.A.
To: Microsoft ATR
Date: 1/20/02 1:23am
Subject: Microsoft Settlement
Gentlepeople:

I find it very disturbing that in the midst of being found a monopoly, Microsoft demonstrated that even while under the close scrutiny of the court it cannot resist trying to corner another market segment: the schools. While it's true that this ploy was rejected by the court as merely a hooded effort to knock Apple and others out of the arena (in the guise of doing something for poor children and at almost no real expense to Microsoft), I wonder if the court can continue to be eager to not split Microsoft up, given that kind of brazen disregard for the laws concerned with predatory behaviors that can destroy competitors and damage the interests of the public, both consumers and organizations.

Please reconsider your earlier backing away from dividing MS into at least two entities, with tight monopoly controls. We deserve competition, not what it appears we may get.

Sincerely,
Donald Levy
Loa Angeles, CA

MTC-00032911

From: Dean Nervik
To: Ms. Renata Hesse
Date: 1/20/02 3:42am
Subject: Microsoft Settlement

Dean Nervik
Route 8
Speculator, NY 12164
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the

economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dean Nervik

MTC-00032912

From: Edward M. Walsh
To: Ms. Renata Hesse
Date: 1/20/02 5:48am
Subject: Microsoft Settlement
Edward M. Walsh
6 Colonial Oaks Drive
Oak Ridge, NJ 07438-9158
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Edward M. Walsh

MTC-00032913

From: Richard Peck
To: Ms. Renata B. Heese
Date: 1/20/02 6:46am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Richard Peck
1822 Jackson Road
Penfield, NY 14526-1216
CC: Citizens for a Sound Economy

MTC-00032914

From: Stephen Schiller
To: Ms. Renata Hesse
Date: 1/20/02 7:11am
Subject: Microsoft Settlement
Stephen Schiller
10920 Thanlet Lane
Reston, VA 20190-3921
January 20, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Stephen H. Schiller

MTC-00032915

From: MICHAEL PERRIN
To: Ms. Renata Hesse
Date: 1/20/02 9:42am
Subject: Microsoft Settlement
MICHAEL PERRIN
31111 INDUSTRIAL DR.
LIVONIA, MI 48150
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
MICHAEL PERRIN

MTC-00032916

From: Mike Durand
To: Attny Gen Ashcroft
Date: 1/20/02 11:35am
Subject: Microsoft Settlement
Richard M. Durand
4109 Yarmouth Road
New Bern N.C. 28562
Home Phone 252-635-1503
January 20, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Mr. Ashcroft,

I have been a supporter of Microsoft from the very start of these investigations and I am very gratified to see that the Justice Department has finally decided to settle their antitrust suit. I think it is about time we complete this case and move forward, as three years was just too long.

I hope that the Justice Department appreciates how much that Microsoft has sacrificed in order to reach a settlement and bring this proceedings to an end. By giving up access to its software with out recrimination as well as agreeing to design future versions of Windows easier to use with competitors products, Microsoft is forgoing an enormous amount of potential profit. Anyone who thinks that the suit should continue after seeing the terms of this settlement must be out to profit off of Microsoft's hard work.

It is a shame that nine states still refuse to settle. By trying to support their own state budget shortfalls, they are hurting their own constituents. I hope that their voters will make them realize the error of their ways directly in order to end any further litigation against Microsoft.

Sincerely,
Richard M. Durand

MTC-00032917

From: Thomas McWilliams
To: Ms. Renata B. Heese
Date: 1/20/02 4:22pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this

baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Thomas McWilliams
One Cessna Lane
Downers Grove, IL 60516-4901
CC:
Citizens for a Sound Economy

MTC-00032918

From: Charles DeBrett
To: Ms. Renata B. Heese
Date: 1/20/02 5:56pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Charles DeBrett
P.O. Box 1475
Cave Junction, OR 97523-1475
CC: Citizens for a Sound Economy

MTC-00032919

From: Robert Martin
To: Ms. Renata Hesse
Date: 1/20/02 7:47pm
Subject: Microsoft Settlement
Robert Martin
270 Decatur Road
Stafford, VA 22554
January 20, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

I also believe the cost of this lengthy litigation should come out of the monies Microsoft is paying in this case. The State will settle their disputes faster if they know the longer they resist the less money they will receive from the settlement pot!

Sincerely,

Robert Martin

MTC-00032920

From: B. Wehrung
To: Ms. Renata Hesse
Date: 1/20/02 10:49pm
Subject: Microsoft Settlement
B. Wehrung
702 Irving Royal Oak, MI 48067-2879
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

The message below was composed by Citizens Against Government Waste and seems to be based on the idea that it cost a lot of money to sue Microsoft Corp. I believe it was money well spent and it is misguided to let them off so lightly, with a settlement that is so favorable to the company. You can read the message if you like but DO NOT APPROVE the settlement.

Brendan Wehrung

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
B. Wehrung

MTC-00032921

From: Doug Skoglund
To: Department of Justice
Date: 1/21/02 2:57am
Subject: Microsoft Settlement
To: microsoft.atr@usdoj.gov
Reference: Microsoft Settlement

In the Competitive Impact Statement, section I, Nature and Purpose of the Proceeding, I quote the following:

The Proposed Final Judgment will provide, certain and effective remedy for consumers by imposing injunctive relief to halt continuance and prevent recurrence of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals and restore competitive conditions to the market.

Now, it doesn't take a legal genius to read the text of the Proposed Final Judgment and then have some serious doubt about the accuracy of the above statement. My review of the Revised Proposed Final Judgment, RPFJ, yields a great deal of confusion caused by questionable definitions, exceptions, loopholes and other assorted legal maneuvers that may or may not be relevant.

While I see the RPFJ as a great big expensive joke that does nothing for the micro-computer business nor for the larger society, as an ISV, Independent Software Vendor, I feel qualified to state that the RPFJ does nothing to limit the enormous power of Microsoft and its control over the business. While the object of these proceedings is the punishment of Microsoft for past anti-trust violations and prescription for future activity necessary to restore competition, one should never lose sight of the tremendous

contribution Mr. Bill Gates and company have made to the development of the PC business.

Let me repeat, one should never lose sight of the tremendous contribution Mr. Bill Gates and company have made to the development of the PC business. With a few exceptions, most everyone in the business has operated within the shadow of Microsoft, which means that, in addition to the many benefits, we've also been aware of much of Microsoft's suspect activity, and we also were very well aware of the consequences of "whistle blowing". It should be understood that this general atmosphere of fear is more important in limiting competition than any of the overt activity that is the object of these proceedings.

I think that most people would recognize that the entire PC business has grown as a function of and in the image of Microsoft. But, it has outgrown even the imagination of Mr. Gates. It must be broken free to allow growth in areas and ways that may be contrary to his philosophy. Mr. Gates has done a remarkable job, we have made him a very rich man, but it is time for others to get into the game. It would be nice if Mr. Gates would allow the transition to occur peacefully, he should have negotiated a settlement with Judge Jackson long ago, but since he continues to resist the inevitable, it's up to you, Judge Kollar-Kotelly and you, Mr. Charles A. James.

I want to emphasize that this entire proceeding has suffered from non-participation by members of the PC business. I can imagine the personnel of the Department of Justice being more than a little piqued by the lack of qualified support from the industry. Yet it is easy to understand the reluctance of industry members to pitch in, what with careers on the line if the government lost this case. It would seem, when one views the complete capitulation of the Department of Justice, that the industry members have made the right choice. If the Revised Proposed Final Judgment is accepted by the court, the people will have every right to conclude that Mr. Bill Gates and company are more powerful than the United States Government. Hey folks, you must not allow that to happen!!!!

Plaintiff Litigating States' Remedial Proposals Plaintiff Litigating States' Opposition to Microsoft Corporation's Motion to Amend the Scheduling Order Exhibits to Plaintiff Litigating States' Opposition to Microsoft Corporation's Motion to Amend the Scheduling Order Now, here are three legal documents that I can understand. I refer to all three since each has a way of describing things that helps promote understanding. Not being a legal expert maybe it's something like programming, you need the program and then you need the documentation to explain what the program does and how to use it.

It would be far too easy to say that I support the Litigating States and end this document right here; however, I want to compare my conclusions, as expressed in a previous post with the "Exhibits" conclusions on a couple of very key, to me, points. One example: (my thoughts) (From definition of Non-Microsoft Middleware

Product) A Non-Microsoft Middleware product is any product that both meets the definition of Non-Microsoft Middleware and has at least one million copies distributed in the United States within the previous year* * *

* * * Without limitations on the definition, any software developer would be able to claim that any software product was middleware and thereby insist on exercising options and alternatives provided by the Proposed Final Judgment.

Correct me if I'm wrong, but it seems that I cannot expect protection from Microsoft illegal tactics against my "Middleware" application purely because it is new and therefore did not distribute one million copies last year. (29) (from Exhibit) the RPFJ's middleware definitions are drawn too narrowly, excluding from protection competitors of Microsoft in critical middleware markets and excluding from the restrictions of the judgment important Microsoft products—for example, (a) software cannot qualify as a "Non-Microsoft Middleware Product" unless at least one million copies were distributed in the U.S. in the previous year, meaning that by definition nascent or developing middleware threats receive no protection under the user configuration flexibility remedy,* * *

Another Example: (my thoughts) Subsection HI.C.3. requires that Microsoft permit OEMs to configure their products to launch Non-Microsoft Middleware automatically at the conclusion of the first boot sequence* * *

The only limitation Microsoft may impose on OEMs in this circumstance is that any Non-Microsoft Middleware the OEM configures to launch automatically cannot display a user interface that is not of similar size and shape* * *

This really doesn't make much sense as the primary purpose for any competitive product might very well be to present a whole new user interface. (10) (from Exhibit) the RPFJ imposes unjustifiable qualifications in the provisions that appear to provide for flexibility in product configuration (e.g., (i) Microsoft can limit the addition of icons, shortcuts and menu entries for non-Microsoft products to only those places where Microsoft has decided to promote a Microsoft product with similar functionality (thus blocking such additions if Microsoft does not make that decision and/or does not offer a competing product), and (ii) the automatic launching of competing software may be prohibited if such software displays a user interface that is not of a similar size and shape to the interface displayed by the equivalent Microsoft Software or a Microsoft product would not otherwise launch automatically)

Critique of Remedial Proposals "

I don't pretend to have the knowledge and expertise to critique the legal aspects of this document.

I do, however, have substantial engineering background and programming experience to allow me to comment on some portions of the document and to emphasize things that I perceive to be logical shortcomings.

Definitions

This section may appear at the rear of a legal document; however, since all else

depends on proper definitions, I want to discuss this subject first.

“Applications”—Programs that perform specific tasks, such as accounting, word processing, or communications or any other task that the user might require from a computer. Applications connect to the operating system by accessing or calling APIs.

“API” or “Application Programming Interface”—Program elements, routines or sections of program code that are callable or otherwise accessible by other program elements and/or applications for the purpose of performing specific steps or portions of a task. Since one API can call other APIs they may range from the very simple to the very complicated, but, it should be emphasized that APIs are never accessed by end users. (Some method of controlling acceptability of APIs is required—see some of the discussion below)

“Operating System”—Program that controls the low level processes of a computer and mediates between the application program and the drivers that control the computer hardware. The operating system schedules and controls the use of the system’s hardware resources. These hardware resources may include memory, disk drives, printers, and CRTs. The Goal of a good operating system is to simplify the use of the computer by providing a common set of practical, easy-to-use commands (APIs) that bridge the gap between the application programs and the actual physical processing of the computer.

“Middleware”—A non-Microsoft application that, in addition to performing specific tasks, exposes its own APIs for use by application developers. For the purpose of these proceedings, the definition of middleware must necessarily be short and specific. If one does a search of the Internet, one will find that the term has many meanings, and thus becomes meaningless for legal purposes. In addition, Microsoft should not be allowed to use the term to describe any Microsoft software because that only clouds the issue of ownership or source of a specific API. In other words, all APIs that Microsoft chooses to release should be considered part of the operating system.

“Interpreter”—An application that can perform specific tasks under control of a separate document or script. Basic started as an interpreted language, but with the development of compilers, that Basic script is generally converted into a binary coded program. Internet Explorer, Netscape Navigator and Java are more properly classified as Interpreters. Since a script can only give instructions to an interpreter, I suppose that Java might be called middleware if the script is compiled into a program that is actually run and then calls APIs itself. The distinguishing characteristic is determined by which segment is executed under the control of the computer’s central processing unit, cpu.

“Operating System Product”—This is actually a collection of files that make up the Operating System, some associated applications and other related files. Since the basic operating system is useless to the user, some applications must be included, thus the

need for this definition. And since Microsoft has chosen to obfuscate the meaning of operating system by its philosophy of “integration”, it has become necessary for the court to decide the meaning of this term and control its future usage.

I don’t intend to rewrite all the definitions, but, if one accepts the above definitions, one can readily visualize the impact on the balance of the court proceedings. Let’s look at some interesting information, developed by installing various Microsoft operating systems, in turn, on the same machine.

Sorry, Windows XP would not install on this machine since it requires 64 Mb memory and this machine only had 32 Mb and an additional 32 Mb would have cost \$100. (there’s a limit to my contribution to these proceedings) Besides, these numbers allow me to make my point. Microsoft should have settled these anti-trust matters years ago and they would have been able to pursue business without governmental interference. Instead they chose to fight and they lost. Legally, they are a monopoly and they have violated the law. Their unwillingness to settle on reasonable terms necessitate that they become a regulated monopoly. They must be required to document all those files and directories so that a base point can be established to firm up the meaning of “Operating System Product”. Future additions to the basic definition must be controlled by some kind of regulating body.

Using the above definitions, MS-DOS is an operating system, Windows for Workgroups might have been classified as an application because the machine was booted in MS-DOS and W4W was run separately; however, since it exposes APIs and is a Microsoft product it thus becomes an operating system. Windows 95/98/2000/XP are operating systems (after determination of a base point) because the machine is booted directly into the respective system.

If we use Windows 95 to determine the base point, Internet Explorer, an application by definition, is not part of the operating system since it was introduced separately and then included with Windows 98. In summary, Microsoft lost the right to “integrate applications into the operating system”, by violating the law. If not this, then other application developers deserve the right to have their similar applications integrated into the operating system also.

Mandatory Disclosure to Ensure Interoperability

This section of the Remedial Proposals needs considerable work in that it fails to recognize the existence of Microsoft Development Network, MSDN, and more importantly, it fails to deal with the quality of such disclosure. It should be understood that Microsoft distributes all (I think) technical information to subscribers dependent upon subscription level. In other words, you purchase the level of information you require, no matter your other relationship to Microsoft. I see this as satisfactory, if the court determines that Microsoft personnel also use the MSDN documentation. The difficulty with the present system is the method of developing APIs. It is obvious to developers using MSDN that many APIs were developed for Microsoft

application use and then documented and added to MSDN. This, of course, means that Microsoft personnel have been using the API for considerable time before outsiders have had access.

A well controlled monopolist should be expected to develop APIs for broad usage and let inside programmers determine usage the same as outside ones. The broad usage requirement should be interpreted to mean that the basic lowest level API must be documented. I quote from “MFC Programming with Visual C++ 6 Unleashed”, copyright 1999 by Sams Publishing. The Microsoft Foundation Classes are an excellent example of how an object-oriented approach to packaging software functionality can lead to code reuse, reduced application complexity, and in the end, a more efficient software development environment.

MFC has been around for seven years now. The first version of MFC was release with version 7 of Microsoft’s 16-bit C/C++ compiler, and it represented little more than a wrapper around the Window GDI (Graphics Device Interface) call. The author goes on to emphasize the benefits of MFC to the programmer and de-emphasize the costs to the ultimate user.

Programs, including code stored in associated files, are larger (amount of memory required) and operate slower. Microsoft has developed additional features/dialects (?) such as COM, ATL, .NET aimed at the benefits to the programmer without much consideration for the user, after all, additional memory and disc space is cheap and faster computers are being developed all the time. Microsoft has tended to use these higher level approaches in their applications, and then document the higher level APIs. If the propose of these proceedings is to restore competition, Microsoft must be forced to document the entire structure of a higher level API, which means that the basic API should be demonstrated in a sample program written in C/C++ without all the frills.

As a matter of fact, the sample program should be capable of compiling with a competitive compiler. One should be aware of the hidden advantage Microsoft accrues with this programming philosophy. The more an individual programmer and a programming organization ties itself to MFC and these other dialects the more “locked in” they become and the more their programs look and feel like Microsoft programs. True competition with Microsoft can only occur at the basic API level.

Internet Browser Open-Source License
This provision is unnecessary since the Browser APIs are now available through MSDN. What is required, however, is more control over the size of acceptable segmentation. Any programmer could take a complete application, enclose it in a DLL, dynamic link library, set up the call linkage and then call it from a skeleton application. The application now becomes middleware; but, the purpose has been compromised. Calling the resultant API would be no different than running the original program. The segmentation, must be small enough to allow another programmer to use some of the APIs to build a distinctly different application.

What is needed about Internet Explorer is better segmentation. For example, there is an API, Navigate, part of Web Browser Control, that includes both the access to a web page and the display of that web page. The net effect of this shortcoming is to prevent a programmer from controlling the access to the Internet. In other words, use of this API might very well allow Microsoft to include Internet access desired by Microsoft without the users, or the programmers knowledge. Oh, Microsoft might argue my point as some of the Internet calls are available for examination; however, they will have to explain why *ALL* of the calls are not available.

Internal Compliance

The Remedial Proposal devotes considerable words to the subject of compliance including the appointment of a Special Master. I only wish to add to these recommendations by pointing out a way of developing a measurement mechanism that can be used to establish goals and measure progress towards those goals, assuming that the big broad general goal is to improve service to the customer.

The philosophy is simple;—execution, well, that may be another thing. A proper amount of “encouragement” from the court should turn the trick.

All that is required is a monitored, measured, Internet support forum/s. There are all kinds of forums and chat groups on the Internet right now, some monitored, others unmonitored. I am speaking about monitoring by qualified, empowered, personnel, qualified to answer many questions and empowered to get answers from more qualified personnel if necessary.

But, far more important is the measurement mechanism. Since each request/question/complaint is a single document, it can be classified by the submitter, dated and timed by the computer. The response can be classified by the respondent, dated and timed by the computer. The software can then keep track of response times, quantities entered, closed and still open, by category, on a daily, weekly or monthly basis. This type of system could replace the Periodic Reports called for in the Remedial Proposal.

Windows Operating System Licenses

Mandatory Disclosure to Ensure Interoperability

Intellectual Property Rights

These sections seem to be unnecessarily complicated, using terms like OEM, Covered OEM, Third-Part Licensee, which are all meant to exclude. I would think that subscription to MSDN could be the sole determinant controlling licensing and the distribution of technical information. Subscription to MSDN at the Operating System level or above should include one copy of each current operating system with the right to purchase, and re-sell, additional copies according to a discount schedule based upon yearly quantity. Many computers are assembled by small companies that should be able to re-sell licenses to the operating system.

In addition, a “fair use” type of clause should be required in software licensing that would permit installation on multiple

machines used by a single or limited number (family) of individuals. Most companies allow this since enforcement is very difficult, but Microsoft has chosen to restrict this kind of use with very intrusive procedures. I recognize that this might be a matter for Congress, but, I wanted to bring up the subject anyway. Under the title of “Equal Access”, Microsoft is allowed to restrict access to information about any bona fide joint development effort. I would think that joint development efforts should be restricted to applications only and even then be under very strict control. This exception is too large a loop hole to be allowed a monopoly.

Obviously the structure and pricing of MSDN should be controlled by the court.

Respectfully submitted:

Doug Skoglund

Sands Software, Inc.

14766 Endicott Way

Apple Valley, MN 55124-6405

952/423-3041

P.S. Bill Gates is wrong, wrong, wrong, wrong, wrong!!!!!! Have I got your attention???????

First, I don't pretend to be some sort of all knowing guru with the things that I have written or will write. I do, however, claim to be pretty good at distilling the wisdom out of things that other people have said and written. Let me illustrate: The following from a column by Jim Rapoza titled “Microsoft Still Suffers Insecurity Complex”, posted on eWeek web site, January 7, 2002.

When Microsoft introduced active content in Outlook, we, along with many in the security community, said it would create a security risk. But Microsoft blew these warnings off as theoretical and, instead, touted the gains that would be made by making mail more automatically responsive... I think that worries about potential security risks will always be pushed aside to make way for latest cool, new feature. True, Jim, but one might say that Microsoft knows what sells. Next, let me set the framework for further discussion. I can imagine that most every business person has contemplated the question of honesty vs. success. She/he discovers very early that when a business is small, fighting for survival, total and complete honesty will get you nowhere. Growth requires aggressive action to get that next larger contract or chunk of business.

And that aggressive action means the acceptance of a few small lies (or information not disclosed). I'll bet that the early relationship between Microsoft and IBM had its share of less than 100% honesty. I don't need to beat the honesty point to death, except to say that we will get disagreement all over the place before we settle down and except the wisdom of the above.

The point that is missing is that the requirement for honesty increases with success, and that is the critical point that Bill Gates has missed. He continues to act as though he believed that strategy as a successful company must be the same that was necessary to become successful.

Of course, boiling this all down to honesty is far too simple. That's the reason for using the security example above. During the growth process, it's the cool, new feature that sells. What Bill Gates fails to recognize and

that Jim Rapoza, as one member of the business, is saying is, “Microsoft, it's time to truly start considering the needs of your customers. Security is important, and you can't continue to ignore the warnings”.

To emphasize my point, I think that we have to see these anti-trust proceedings for what they really are. Most people would concede that Bill Gates could have settled this whole thing a few years back and that Microsoft would be free to conduct business without much governmental interference. Remember, the anti-trust laws exist to protect the consumer and that the government really does represent the people. The government had to step in because Mr. Gates failed to transition his company from aggressive corporate fighter to good corporate citizen. He has had all kinds of notice, if he had only mined the wisdom from the words of his critics instead of viewing everything through his paranoid tinted glasses.

As a matter of fact, Mr. Gates can still wake up and settle this matter, but he must allow the government to win. There is no question that Microsoft has the power and resources to beat the government in the short run, but Mr. Gates must recognize that he is really flipping the finger at the consumer if he does. Remember, the government is us, the people, the consumers. I suspect that we will get the last laugh over a longer period of time. Since settling as spelled out in the RPFJ is a win for Microsoft, the settlement must be according to the Plaintiff Litigating States' Remedial Proposals, with my revisions, of course. There is nothing in these proposals and revisions designed to hurt Microsoft.

On the contrary, they are only detailing changes necessary for Microsoft to become a good corporate citizen. All of these things should have been incorporated by Microsoft over the years in what should have been a natural transition to a more honest, ethical operation.

One final point, the market wants a single, stable, reliable, secure operating system, under the control of a strong, honest, ethical, reliable monopoly. True competition in applications requires nothing less. Microsoft could fill that need; however, past performance indicates that the Microsoft monopoly needs to be regulated. The Department of Justice, the litigating Attorneys General and the Courts must get that point across to Mr. Bill Gates and company. The previous does not mean that there is not room for other operating systems. There will always be niches open to other approaches and nothing to stop alternatives from out-performing the established monopoly. After all, the non-monopolies have more freedom of action. That, of course, is the idea behind controlling a monopoly.

Do I have a dog in this fight??—You betcha!!

Of course, I have a vested interest in the outcome of these proceedings, but then, who doesn't?? I believe that my Personal Digital Multimedia ScrapBook, PDMSB, is an application that is built upon an engine that, in the hands of Microsoft or a competitor, could open a whole new generation of application development on the desktop. The RPFJ contains exclusions that would inhibit the growth of this engine as a true contender;

however the Remedial Proposals seem to provide protection for any potential competitor.

I said previously that Bill Gates was wrong. His present emphasis on the Internet seems to have left the industry with the attitude that Microsoft owns the Desktop and that further development in this area is over. Wrong, the Internet, while very important, will never replace the Desktop in the minds of the average user. After all, the whole (DeskTop) is equal to the sum of its parts (Internet activity vs. Local activity). I repeat, the PDMSB engine in the hands of someone like AOL Time Warner, for example, could open a whole new generation of application development on the desktop.

Because PDMSB is still a work in process, the basic software has been available at <http://www.pdmsb.com> for some four years, while copies of various contact attempts have been available at <http://www.ifihadmyway.com>. If anyone would like an interesting view of the status of the PC business I would suggest interviewing some of addressees of those contact attempts, (under oath, maybe?).

Obviously, Microsoft has every right to make incorrect decisions. The difficulty comes from the fact that as the monopoly supplier of the dominant operating system, the entire industry is dragged in a direction they may not want to go. Just as the Remedial Proposals require Microsoft to support old versions of operating systems, MSDN must be required to support the basic APIs to allow application developers to develop competitive applications. Whether I'm right or wrong is of no matter, what does matter; however, is that present Microsoft dominance prohibits open debate of my and/or many other ideas. Of course, I want to sell my software, but I'm just small potatoes, how many others might have a dog in this fight also?? Even the top management of AOL Time Warner were unwilling to investigate my proposals. I would hope that the business could be more open than that. Rejection after evaluation is one thing, being ignored is another!!

MTC-00032922

From: Deanna Tachna
To: Ms. Renata Hesse
Date: 1/21/02 3:38am
Subject: Microsoft Settlement
Deanna Tachna
1137 Stanley
Birmingham, MI 48009-1949
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against

terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Deanna Tachna

MTC-00032923

From: R. Suter Hudson
To: John Ashcroft
Date: 1/21/02 4:57am
Subject: Microsoft Settlement

Please read the Microsoft Word 2000 document relative to the Microsoft Settlement.

Thank you.

MTC-00032923 0001

R. Suter Hudson
2714 Royal Road
Lancaster, PA 17603

January 21, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing to express my feelings about the recent events in the Microsoft anti-trust litigation. I am glad to see that a settlement has finally been reached. However, I can't understand how this case could be prolonged any further. The settlement was negotiated with the help of mediators provided by the courts, so obviously the settlement should be fair.

Microsoft did have some problems, but they are now being resolved by way of this settlement. They are allowing their competitors to use the technologies that they invented, creating a more competitive environment. They are also allowing computer makers to install other products on Windows when they distribute the computers. All of this seems more than reasonable. I used Microsoft's products in my job as a Research Scientist and now use them at home. I like the fact that all of my programs are compatible with one another and that I can easily manipulate them. Why would I want to change that by using a combination of competitive products that aren't even compatible?

Please do your part in ending this lawsuit, for the interest of consumers and the entire economy. Thank you.

Sincerely,
R. Suter Hudson
CC:
Senator Rick Santorum
Representative George W. Gekas
MTC-00032923-0002

MTC-00032924

From: Orna Benison
To: Ms. Renata B. Heese
Date: 1/21/02 5:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have

stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Orna Benison
145 Westminster St
Hartford, CT 06112-1372
CC: Citizens for a Sound Economy

MTC-00032925

From: James Leydon
To: Ms. Renata Hesse
Date: 1/21/02 8:11am
Subject: Microsoft Settlement
James Leydon
408 Chandlee Drive
Berwyn, PA 19312
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
JamesPatrickLeydon

MTC-00032926

From: leonard judickas
To: Ms. Renata B. Heese
Date: 1/21/02 8:24am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
leonard judickas
30 s.walla walla dr
cherokee village, AR 72529-2005
CC: Citizens for a Sound Economy

MTC-00032927

From: Patrick Whalen
To: Ms. Renata Hesse
Date: 1/21/02 8:39am
Subject: Microsoft Settlement
Patrick Whalen

P O BOX 713
Boonton, NJ 07005-0713
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public

interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Patrick Whalen

MTC-00032928

From: Joseph Ezar
To: Ms. Renata B. Heese
Date: 1/21/02 8:51am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joseph Ezar
32833 Merritt Drive
Westland, MI 48185-1558
CC: Citizens for a Sound Economy

MTC-00032929

From: David Upton
To: Ms. Renata B. Heese
Date: 1/21/02 9:18am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Upton
200 Ridgeway
St. Joseph, MI 49085-1000
CC: Citizens for a Sound Economy

MTC-00032930

From: Harry Beckner
To: Ms. Renata B. Heese
Date: 1/21/02 10:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harry Beckner
2712 Casey Key Road
Nokomis, FL 34275-3358
CC:
Citizens for a Sound Economy

MTC-00032931

From: Susan Wilson
To: Attorney General John Ashcroft
Date: 1/21/02 10:35am
Subject: Microsoft Settlement

Please see attached letter.

MTC-00032931 0001

Susan Wilson
3018 Pickfair Street
Orlando, Florida 32803-6831
January 20, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

It is my belief that the Microsoft Antitrust case should never have been brought to court. Microsoft's innovations and marketing techniques have allowed this company to climb to the top of its industry and the success that Microsoft has accomplished is well deserved. We would not have seen the tremendous growth of the Internet and the great numbers of home computers without the innovations and uniformity of the Windows platforms. For the past three years, litigation has stunted Microsoft's business potential a great deal and to carry this case on further would be a highly unnecessary course of action. Litigating Microsoft does not come at an easy cost as this case has been very time-consuming and cost a great deal of money. In some very key issues, I believe it has caused more harm than good as would anyone who is familiar with computing prior to the great growth of Microsoft.

The Department of Justice and Microsoft have disputed this case for over three years now with the intent to appease all of the parties involved. Microsoft has agreed to several terms beyond the scope of this case in order to continue new product development, which shows Microsoft's willingness to compromise. Some specific terms range anywhere from allowing computer makers to promote the competition within the Windows configuration to supplying the competition with necessary interfaces and protocols that will enable software compatibility.

These agreements have come as a result of heavy dispute and much compromise and will serve the best interest of all involved. Thank you for consideration for the public good.—

Sincerely,
Susan Wilson
cc: Representative Ric Keller

MTC-00032931-0002**MTC-00032932**

From: Donna Price
To: Ms. Renata B. Heese
Date: 1/21/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's

Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Price
33 McConnell Lane
Walnut Creek, CA 94596-5831
CC: Citizens for a Sound Economy

MTC-00032933

From: joy schroeder
To: fin@mobilizationoffice.com@integw
Date: 1/21/02 11:18am
Subject: lawsuit
CC: Microsoft ATR

MTC-00032933 0001

3150 Candlewood Way
Sierra Vista, AZ 85650
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

Three years of lawsuits against Microsoft and a settlement has finally occurred in the antitrust case. I am glad to see that Microsoft will not be broken up, but I do think that the terms of the settlement are too harsh. Microsoft has demonstrated no monopolistic tendencies since it has always delivered quality products at reasonable prices. It has also not infringed on my rights as a consumer, since I have on occasion bought other software that I thought was better.

The terms of the settlement are more than fair and should appease all parties involved in dispute. Competitors will now be granted broad new rights to configure Windows so they can promote their own products and they will be given internal interfaces and protocols that Microsoft has for its Windows operating systems. These concessions and more represent a huge advantage to competitors and so there is not need for further litigation. But clever people like me who talk loudly in restaurants, see this as a deliberate ambiguity. A plea for justice in a mechanized society.

It is in the best interests of the American people for the settlement to be finalized and to allow the competitors to duke it out on the playing field. Please make the right decision in the coming months. Thank you for your time. Ecce homo ergo elk. La Fontaine knew his sister, and knew her bloody well. But is suspense, as Hitchcock states, in the box. No,

there isn't room, the ambiguity's put on weight.

Sincerely,

MTC-00032933-0002

1 of 2
02/06/2002 9:16 AM
file:///C:/win/temp/tmp.htm
Joy Schroeder

Get your FREE download of MSN Explorer at <http://explorer.msn.com>.

MTC-00032933-0003

??of2
02/06/2002 9:16 AM

MTC-00032934

From: Hrenforth@aol.com@inetgw
Date: 1/21/02 11:45am

Subject: Agreement with Microsoft

I feel the Agreement with Microsoft is fair and proper for all, and wish for the agreement to be accepted and stop this expensive litigation, It is fair to all.

Howard F. Renforth
144 Crosstide Circle
Ponte Vedra Beach, FL 32082-4028
(904) 285 9302

MTC-00032935

From: Robert Minnoe
To: Ms. Renata B. Heese
Date: 1/21/02 1:36pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Robert Minnoe
220 Channel Run Drive
New Bern, NC 28562-8915
CC: Citizens for a Sound Economy

MTC-00032936

From: Paul Borgen

To: Ms. Renata B. Heese
Date: 1/21/02 2:47pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Paul Borgen
3255 115th Ave NE, #153
Bellevue, WA 98004-7795
CC: Citizens for a Sound Economy

MTC-00032937

From: Cheryl Larson
To: Ms. Renata B. Heese
Date: 1/21/02 2:53pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers,

but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Cheryl Larson
5810 S. 232nd Place
Kent, WA 98032-6475
CC: Citizens for a Sound Economy

MTC-00032938

From: Carol Carlisle
To: Ms. Renata B. Heese
Date: 1/21/02 3:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carol Carlisle
1916 E 10th st
The Dalles, OR 97058-3967
CC: Citizens for a Sound Economy

MTC-00032939

From: Eugene Mouncer
To: Ms. Renata B. Heese
Date: 1/21/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of

Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Eugene Mouncer
P.O. Box 117
Satsop, WA 98583-0117
CC: Citizens for a Sound Economy

MTC-00032940

From: Donna Lange
To: Ms. Renata B. Heese
Date: 1/21/02 3:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donna Lange

15 Greenacres Rd.
Riverside, WA 98849-9625
CC: Citizens for a Sound Economy

MTC-00032941

From: Judith Guse
To: Ms. Renata B. Heese
Date: 1/21/02 3:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Guse
1515 S. Garfield PL
Kennewick, WA 99337-4063
CC: Citizens for a Sound Economy

MTC-00032942

From: Leslie Griffin
To: Ms. Renata B. Heese
Date: 1/21/02 3:09pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal

government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. I personally have benefited from Microsoft's technology and windows...making it easy for me, an older computer user, to attempt expanding into computer research and use. I think the attack on Microsoft has hurt consumers and the economy of our state. If you attack the most innovative companies, how will the economy grow?! Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Leslie Griffin
1010 "E" Court
PO Box 1583
Deer Park, WA 99006-1583
CC: Citizens for a Sound Economy

MTC-00032943

From: Bruce Troth
To: Ms. Renata B. Heese
Date: 1/21/02 3:12pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Bruce Troth
120 SE Everett Mall Way #735
Everett, WA 98208-3293
CC: Citizens for a Sound Economy

MTC-00032944

From: Clarence Atchison
To: Ms. Renata B. Heese
Date: 1/21/02 3:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

My wife and I support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. We appreciate and applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case; however, we are extremely disappointed that remaining state attorneys general and the District of Columbia have decided to continue, with no apparent basis, to pursue this case.

We truly believe that the settlement is fair and just to all concerned and possibly affected. The settlement allows Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and gives consumers (like me and my wife) more services and products to choose from.

As you are well aware, or should be, Citizens for a Sound Economy, of which my wife and I are members, have been continually opposed to the federal government's antitrust case against Microsoft. It has done nothing but hurt our economy, especially in the markets of computer technology. For nearly 3 years, activists like myself and my wife have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but instead provided consumers like us with great benefits by lowering the cost and increasing the availability of software products. Microsoft is a pioneer in the high-technology market and I can't imagine a world without what Microsoft has made available to us. Microsoft has only benefited the consumer!!!

Thanking you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Clarence and Gay Atchison
7029 16th Avenue NE
Seattle, WA 98115-5734
CC: Citizens for a Sound Economy

MTC-00032945

From: Dennis Martin
To: Ms. Renata B. Heese
Date: 1/21/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

The case for anti-trust action has not been made and a settlement is in hand. I think it is time to end the attorneys greed and political power shuffle. The market has suffered enough. Once again, I thank you for

your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Dennis Martin
10813 42 Drive SE
Everett, WA 98208-9720
CC: Citizens for a Sound Economy

MTC-00032946

From: Tyler Wate
To: Ms. Renata B. Heese
Date: 1/21/02 3:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Tyler Wate
802 45th st N.E. Apt#9-103
Auburn, WA 98002-1386
CC: Citizens for a Sound Economy

MTC-00032947

From: Ara Leigh
To: Department of Justice
Date: 1/21/02 3:40pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Dear Official: It is most accurate to say that my dismay at the attacks on Microsoft in the form of Anti-Trust prosecution was profound. In America the moral of the day is "take everything you can get," and this time they will "get" it from a company that has given more to the consumer than most. Microsoft had the goal to succeed. Quite frankly, the other companies could not compete because their products were not as favored by the consumer. During my training to become a real estate agent I became appalled that I could not talk to other agents about fees, because that would violate anti-

trust. At that time I realized that anyone who excels too much is in danger of being cut down thru anti-trust prosecution. When this happened to Microsoft, I was not surprised, just appalled. I realize that you must operate within the law. It is simply important that you know how the citizens, of which I am one, believe and feel on this subject.

Sincerely,
Ara Leigh
3628 NW Endicott St
Camas, WA 98607-8234

MTC-00032948

From: James Ringrose
To: Ms. Renata B. Heese
Date: 1/21/02 3:54pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Ringrose
3681 Harris Rd. S.E.
Port Orchard, WA 98366-5935
CC: Citizens for a Sound Economy

MTC-00032949

From: Floyd Stewart
To: Ms. Renata B. Heese
Date: 1/21/02 3:57pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It

will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Floyd Stewart
4045 N. Deer Lake Rd.
Loon Lake, WA 99148-9746
CC: Citizens for a Sound Economy

MTC-00032950

From: Richard Deming
To: Ms. Renata B. Heese
Date: 1/21/02 4:07pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Richard Deming
2427 Coal Creek Road
Longview, WA 98632-9688
CC: Citizens for a Sound Economy

MTC-00032951

From: Donald Andrews
To: Ms. Renata B. Heese
Date: 1/21/02 4:08pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Donald Andrews
510 North Maple St.
Colville, WA 99114-3016
CC: Citizens for a Sound Economy

MTC-00032952

From: John Field
To: Ms. Renata B. Heese
Date: 1/21/02 4:14pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to

the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Field
29312 NE 16th Place
Carnation, WA 98014-9644

MTC-00032953

From: Oscar Engfer
To: Ms. Renata B. Heese
Date: 1/21/02 4:23pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Microsoft has been hurt enough so I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Oscar Engfer
PO Box 26
Orting, WA 98360-0026
CC: Citizens for a Sound Economy

MTC-00032954

From: James H and Alice L Stevens
To: Ms. Renata B. Heese
Date: 1/21/02 4:27pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the

federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
James H and Alice L Stevens
Post Office Box 728
Asotin, WA 99402-0728
CC: Citizens for a Sound Economy

MTC-00032955

From: Cameron Quinn Lauseng
To: Microsoft ATR
Date: 1/21/02 4:52pm
Subject: Settlement Problems

I am sorely disappointed with our Justice Department for obvious lack of judgement in creating such a soft and ineffectual settlement against Microsoft. This settlement has little more effect than the previously issued injunction against Microsoft, which they flagrantly violated. This current settlement does nothing to address this serious defiance of the American Justice system, does not address the demonstrated contempt of the American Justice System, and does nothing to remedy the half decade of damage to the American public that Microsoft's dramatically illegal behaviour caused.

Furthermore, because this settlement fails to declare remedy for these past serious abuses of our laws, it will prove to be no more capable of restraining Microsoft's behaviour. Indeed, it can be found that Microsoft's newest operating system, Windows XP, may already be in violation of the settlement, by requiring consumers to subscribe to Microsoft services on the internet in order to get full use of features of the software.

I would consider this rather prejudiced against other middleware providers that already offer these services that Microsoft is requiring subscription to. I continue to be astonished at the short-sightedness of elements in our Justice system concerning this case. How can anybody seriously think that such a minor settlement will do anything to prevent future violations against the American public, considering past behaviour. Does the DOJ care nothing that Microsoft

violated the previous consent decree within months of its issuance?

I would also like to point out that the form of this settlement requires a rather expensive on-going enforcement by State and Federal agencies. This will prove to be dramatically expensive to the American taxpayers in the long run. Would not a firm and definitive remedy that provided an automatic mechanism of future competitive operations (split up) prove to be much less expensive to the American people? With the enforcement mechanism currently provided for in this settlement, the American people can expect a protracted period of history of expensive court proceedings, remedies, judgements, filings, etc., and even an entire government agency just for the maintenance of this one settlement.

Though Jackson's behaviour was deplorable, I can't see that the breakup judgement could be set aside so easily. This only proves that our judges are not blind to subjectivity. One spoke out, the other one who turned it around so quickly made just as loud a statement. There is no difference in the lack of objectivity of either of the judges involved.

Cameron Lauseng
Whitmore Lake, MI

MTC-00032956

From: Eugene (038) Ileene Rhodes
To: Ms. Renata B. Heese
Date: 1/21/02 4:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

We are writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though we applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, we are thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, we thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Eugene & Ileene Rhodes
945-12th Street NE
Auburn, WA 98002-4205

CC: Citizens for a Sound Economy

MTC-00032957

From: Patricia Herbold
To: Ms. Renata B. Heese
Date: 1/21/02 5:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,

Patricia Herbold
13658 N.E. 37th Place
Bellevue, WA 98005-1418
CC: Citizens for a Sound Economy

MTC-00032958

From: David Vertz
To: Ms. Renata B. Heese
Date: 1/21/02 5:28pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

David Vertz
6115 58th Ave Se
Lacey, WA 98513-4181

MTC-00032959

From: Michael Dilley
To: Ms. Renata B. Heese
Date: 1/21/02 5:33pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Michael Dilley
4027 161st Ave SE
Bellevue, WA 98006-1860

MTC-00032960

From: Rodney Newbound
To: Ms. Renata B. Heese
Date: 1/21/02 5:40pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Rodney Newbound
22058 State Route 9
Mount Vernon, WA 98274-8071

MTC-00032961

From: James Malinowski
To: Ms. Renata B. Heese
Date: 1/21/02 6:13pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

I have been a user of computer equipment my entire career as an Electrical Power Professional Engineer and have profited in many professional and personal ways from the personal computer revolution. Microsoft has been the leader in this revolution providing wonderful products at very reasonable prices. The most wonderful product was DOS and Windows which provided standardized platforms for development of many wonderful and powerful user programs.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Malinowski
P.O. Box 127
Amboy, WA 98601-0127

MTC-00032962

From: Paul Knight
To: Ms. Renata B. Heese
Date: 1/21/02 6:21pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Paul Knight
3930 Country Club Dr, NW
Olympia, WA 98502-3711

MTC-00032963

From: Lucinda Sexton
To: Ms. Renata B. Heese
Date: 1/21/02 6:25pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I think it a shame that the company which has created more millionaires in the history of the world is being hounded by our own government.

It's obvious to me that Microsoft doesn't completely monopolize the computer industry, because we have used Apple computers for the past several years. Infact, we currently have, and use, both a Perform and a G-3.

Leave Microsoft alone & get on with finding & prosecuting terrorists.

Respectfully,
Lucinda Sexton
12701-106th Av Ct E
4441 S. Meridian PMB# 222
Puyallup, WA 98374-2714

MTC-00032964

From: Ralph Hintze
To: Ms. Renata B. Heese
Date: 1/21/02 6:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Ralph Hintze
16221 SE 175th Pl.
Renton, WA 98058-9101

MTC-00032965

From: Judith Peterson
To: Ms. Renata B. Heese
Date: 1/21/02 6:50pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the antitrust lawsuit between the U.S. Department of Justice, and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software

products. Microsoft is a pioneer in the high-technology market and their products have increased our familiarity with the internet.

Thank you for your decisions to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Judith Peterson
238 Oxbow Rd.
Woodland, WA 98674-9291

MTC-00032966

From: Herbert O. Jr. ABURN
To: Ms. Renata Hesse
Date: 1/21/02 7:01pm
Subject: Microsoft Settlement
Herbert O. Jr. ABURN
5109 First St., North
Arlington, VA 22203-1207
January 21, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to access a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Herbert O. Aburn, Jr.

MTC-00032967

From: Pete Dakan

To: Ms. Renata B. Heese

Date: 1/21/02 7:02pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Quite frankly, I don't even know who you are or how you fit into the Microsoft suit. The words below drafted by the Citizen group express well enough why the suit should be settled immediately and I can only assume you have some influence on the outcome.

I would like you to consider the fact that people need to be responsible for their own actions—everyone has a choice. It is not your job nor that of any politician to make decisions for individuals.

Please allow people to run their own lives without government interference. At the end of the day just ask yourself how you contributed to the real personal accountability and responsibility of Americans. If you didn't, you should be ashamed. This is a small issue in the scheme of things but the trend is definitely in the wrong direction for a strong future for America.

I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Pete Dakan

12821 S.E. 285th St.

Kent, WA 98031-8875

MTC-00032968

From: Steve Wolf

To: Ms. Renata B. Heese

Date: 1/21/02 7:04pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Steve Wolf

459 145th PL NE

Bellevue, WA 98007-4935

MTC-00032969

From: Sidney Porter

To: Ms. Renata B. Heese

Date: 1/21/02 7:17pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Sidney Porter

4407-52nd Ave. SW

Seattle, WA 98116-3905

MTC-00032970

From: Benjamin Green

To: Ms. Renata B. Heese

Date: 1/21/02 7:25pm

Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Benjamin Green

8317 Earl Ave. NW

Seattle, WA 98117-4531

MTC-00032971

From: Tom Ramus
 To: Ms. Renata B. Heese
 Date: 1/21/02 7:49pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Tom Ramus
 8722 17th Ave NW
 Seattle, WA 98117-3505

MTC-00032972

From: Rachel Braly
 To: Ms. Renata B. Heese
 Date: 1/21/02 7:59pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Rachel Braly
 10833 Meadow Garden Ct.
 Las Vegas, NV 89135

MTC-00032973

From: Charles Burpee II
 To: Ms. Renata B. Heese
 Date: 1/21/02 8:17pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Charles Burpee II
 202 Schmid St.
 Enumclaw, WA 98022-7436

MTC-00032974

From: Andy Neault
 To: Ms. Renata B. Heese
 Date: 1/21/02 8:22pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state

attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
 Andy Neault
 24807 SE 224th St
 Maple Valley, WA 98038-6629
 CC:
 Citizens for a Sound Economy

MTC-00032975

From: Rocky Bisogno
 To: Ms. Renata B. Heese
 Date: 1/21/02 8:40pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Rocky Bisogno
1821 SW 349 PL
Federal Way, WA 98023-6904

MTC-00032976

From: COL (R) Ron Averill
To: Ms. Renata B. Heese
Date: 1/21/02 8:59pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
COL (R) Ron Averill
2523 Graf Rd
Centralia, WA 98531-9087

MTC-00032977

From: Anthony Gill
To: Ms. Renata Hesse
Date: 1/21/02 9:20pm
Subject: Microsoft Settlement
Anthony Gill
16314 Mink Rd NE
Woodinville, WA 98072
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Anthony Gill

MTC-00032978

From: Wendy Gaskill
To: Ms. Renata B. Heese
Date: 1/21/02 9:42pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Wendy Gaskill
35405 23rd Ave SW C16
Federal Way, WA 98023-3159
CC: Citizens for a Sound Economy

MTC-00032979

From: Gary Hansen
To: Ms. Renata B. Heese
Date: 1/21/02 10:10pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Gary Hansen
32028 SE 307th st
Ravensdale, WA 98051
CC: Citizens for a Sound Economy

MTC-00032980

From: Lynn Butner
To: Ms. Renata B. Heese
Date: 1/22/02 5:33am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Lynn Butner
121 Spring Street
Boonville, NC 27011-8463
CC: Citizens for a Sound Economy

MTC-00032981

From: stephen Flaherty
To: Ms. Renata B. Heese
Date: 1/22/02 5:43am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
stephen Flaherty
801 South Pitt Street
427
Alexandria, VA 22314-4369
CC: Citizens for a Sound Economy

MTC-00032982

From: Jack Clark
To: Ms. Renata B. Heese
Date: 1/22/02 6:04am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jack Clark
5134 Ad El Rd SE
Olympia, WA 98513-9208
CC: Citizens for a Sound Economy

MTC-00032983

From: Prof. Alexander G.Ramm
To: Attorney general
Date: 1/22/02 6:28am
Subject: Re: Microsoft Settlement.
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing because I support ending the antitrust case against Microsoft. Though I have not intensely followed the case, I know about the pending settlement. I would like to see the settlement finalized.

Microsoft is a great company that makes products that have become important to peoples' lives and businesses. Microsoft should be allowed to function properly according to the terms of the settlement. By disclosing its internal Windows computer codes to its competitors, who will also be free to add their own software to Windows and remove Microsoft's Microsoft has gone a long, long way to help its weaker competitors. The longer the case is active the more the American economy suffers, which affects more than the company itself. Please end the suit against Microsoft. It has been going on long enough.

Sincerely,
Alexander Ramm
721 Elling Drive
Manhattan, KS 66502
Professor Alexander G.Ramm
Mathematics Department,
Kansas State University,
Manhattan, KS 66506-2602,
Phones: 785-532-6750 (math. dept) FAX
785-532-0546 (math.dept) email:
ramm@math.ksu.edu http://
www.math.ksu.edu/ramm

MTC-00032984

From: John Cosman
To: Ms. Renata B. Heese
Date: 1/22/02 6:29am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers,

but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Cosman
768 SW 13th Avenue
Oak Harbor, WA 98277-4509
CC: Citizens for a Sound Economy

MTC-00032985

From: John Harding
To: Ms. Renata B. Heese
Date: 1/22/02 6:54am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
John Harding
5906 143rd St SE
Everett, WA 98208-9339
CC: Citizens for a Sound Economy

MTC-00032986

From: David Hunt
To: Ms. Renata B. Heese
Date: 1/22/02 7:34am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case,

I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
David Hunt
13522 240th St. NE
Arlington, WA 98223-8551
CC: Citizens for a Sound Economy

MTC-00032987

From: Edward Carmody
To: Ms. Renata B. Heese
Date: 1/22/02 7:46am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this, what I believe baseless, unfortunate lawsuit against a successful and innovative company.

Respectfully,
Edward Carmody
12024 106th Ave Ct E
Puyallup, WA 98374-2605
CC: Citizens for a Sound Economy

MTC-00032988

From: James Barfoot
To: Ms. Renata B. Heese
Date: 1/22/02 7:56am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Barfoot
2817 202nd Ave CT E
Sumner, WA 98390-9005
CC: Citizens for a Sound Economy

MTC-00032989

From: Tom Evans
To: Ms. Renata B. Heese
Date: 1/22/02 8:24am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Tom Evans
201 180th St Ct E
Spanaway, WA 98387-4610
CC: Citizens for a Sound Economy

MTC-00032990

From: Chris Hamilton
To: Department of Justice
Date: 1/22/02 8:35am
Subject: Message From a Concerned Citizen
Dear Department of Justice:
Sincerely,
Chris Hamilton
3700 Pacific Ave Ste A
Olympia, WA 98501-2165

MTC-00032991

From: James Dunning
To: Ms. Renata B. Heese
Date: 1/22/02 8:50am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
James Dunning
1335 17th ST SE #B
Auburn, WA 98002-6974
CC: Citizens for a Sound Economy

MTC-00032992

From: Robert Reinhardt
To: Ms. Renata Hesse
Date: 1/22/02 8:51am
Subject: Microsoft Settlement
Robert Reinhardt
67 Adair Ct.
Malverne, NY 11565
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after

purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert C. Reinhardt

MTC-00032993

From: Thomas Rekdal
To: Ms. Renata B. Heese
Date: 1/22/02 8:55am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas Rekdal
7558 Ravenna Ave. N.E.
Seattle, WA 98115-4662
CC: Citizens for a Sound Economy

MTC-00032994

From: Greg Ashley
To: Ms. Renata Hesse
Date: 1/22/02 9:13am
Subject: Microsoft Settlement
Greg Ashley
PO Box 357
Clay City, IL 62824-0357
January 22, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Greg Ashley

MTC-00032995

From: Marilyn Kittelman
To: Ms. Renata B. Heese
Date: 1/22/02 9:34am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Marilyn Kittelman
2303 Elkhead Rd.
Yoncalla, OR 97499-9728
CC: Citizens for a Sound Economy

MTC-00032996

From: Henry W. Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:01am
Subject: Microsoft Settlement
Henry W. Rambacher
241 Countryside Drive
Naples, FL 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Henry W. Rambacher

MTC-00032997

From: Claude Ross
To: Ms. Renata Hesse
Date: 1/22/02 10:03am
Subject: Microsoft Settlement
Claude Ross
P.O. Box 388
Sequim, WA 98382-0388
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Claude M. Ross

MTC-00032998

From: F. Noreen Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:12am
Subject: Microsoft Settlement
F. Noreen Rambacher
241 Countryside Drive
Naples, FL 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

F. Noreen Rambacher

MTC-00033000

From: Joyce Hughes
To: Ms. Renata Hesse
Date: 1/22/02 10:16am
Subject: Microsoft Settlement
Joyce Hughes
4904 Lake Cecile Drive
Kissimmee, FL 34746-5158
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Joyce E. Hughes

MTC-00033001

From: Robert Mattox
To: Ms. Renata Hesse
Date: 1/22/02 10:17am
Subject: Microsoft Settlement
Robert Mattox
1489 Cardinal Dr.
St. Joseph, MI 49085
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert E. Mattox

MTC-00033002

From: Penny Rambacher
To: Ms. Renata Hesse
Date: 1/22/02 10:18am
Subject: Microsoft Settlement
Penny Rambacher
241 Countryside Drive
Naples, FL 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Penny Rambacher

MTC-00033003

From: Franklyn Diller
To: Ms. Renata Hesse
Date: 1/22/02 10:27am
Subject: Microsoft Settlement
Franklyn Diller
9504 Croton Dr.
Cincinnati, OH 45242
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Franklyn D. Diller

MTC-00033004

From: Richard Rath
To: Ms. Renata Hesse
Date: 1/22/02 10:32am
Subject: Microsoft Settlement
Richard Rath
10 Duxbury Hts.
Fairport, NY 14450
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Richard Rath

MTC-00033005

From: Colleen Wise
To: Ms. Renata B. Hesse
Date: 1/22/02 10:45am
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Colleen Wise
916 114th Ave E
Edgewood, WA 98372-1417
CC: Citizens for a Sound Economy

MTC-00033006

From: William Masterson
To: Ms. Renata Hesse
Date: 1/22/02 10:55am
Subject: Microsoft Settlement
William Masterson
1166 Holmesdale Road
Jacksonville, FL 32207
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
W.A. Masterson

MTC-00033007

From: Debe Loeber
To: Ms. Renata B. Heese
Date: 1/22/02 11:03am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining

state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Debe Loeber
503 12th Ave. Ct.
Milton, WA 98354-9500
CC: Citizens for a Sound Economy

MTC-00033008

From: Timothy Coy
To: Ms. Renata Hesse
Date: 1/22/02 11:05am
Subject: Microsoft Settlement
Timothy Coy
315 E. Huntingdon St.
Savannah, GA 31401
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Timothy E. Coy

MTC-00033009

From: Virginia Arnold
To: Ms. Renata B. Heese
Date: 1/22/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Virginia Arnold
9905 Marine View Dr.
Mukilteo, WA 98275-4113
CC: Citizens for a Sound Economy

MTC-00033010

From: Malcolm Russell
To: Ms. Renata B. Heese
Date: 1/22/02 11:11am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

Accept the settlement and work to get Microsoft focused on its business again. I support the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation.

Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from. Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products.

Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Malcolm Russell
4414 South 9th Street
Tacoma, WA 98405-1210
CC: Citizens for a Sound Economy

MTC-00033011

From: Stephen Ryczek
To: Ms. Renata B. Heese
Date: 1/22/02 11:13am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Stephen Ryczek
105 Eagle Ridge Dr. E.
Puyallup, WA 98374-9217
CC: Citizens for a Sound Economy

MTC-00033012

From: JOHN CARNAGHI
To: Ms. Renata Hesse
Date: 1/22/02 11:27am
Subject: Microsoft Settlement
JOHN CARNAGHI
7 LAKE SHORE LANE
GROSSE POINTE, MI 48236-2464
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service

providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John A. Carnaghi

MTC-00033013

From: Franklin Mayse
To: Ms. Renata B. Heese
Date: 1/22/02 11:30am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Franklin Mayse
11308 194th st. E.
Graham, WA 98338-8169
CC:
Citizens for a Sound Economy

MTC-00033014

From: Jeanette Whitley
To: Ms. Renata Hesse
Date: 1/22/02 11:44am
Subject: Microsoft Settlement
Jeanette Whitley
1993 6th Ave., S.E.
Vero Beach, Fl 32962-7311
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
William P. Whitley

MTC-00033015

From: Thomas Simmons
To: Ms. Renata B. Heese
Date: 1/22/02 11:52am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Thomas Simmons
5423 W. Tapps Dr. E
Sumner, WA 98390-8912

CC: Citizens for a Sound Economy

MTC-00033016

From: John Malivuk
To: Ms. Renata Hesse
Date: 1/22/02 11:52am
Subject: Microsoft Settlement
John Malivuk
1182 Mt. Vernon Avenue
Akron, OH 44310-2231
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John Malivuk

MTC-00033017

From: P. Hill
To: Ms. Renata Hesse
Date: 1/22/02 11:53am
Subject: Microsoft Settlement
P. Hill
2342a 30th Av
Osceola, WI 54020-5927
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
P. Hill

MTC-00033018

From: C. Kenneth Yetter
To: Ms. Renata Hesse
Date: 1/22/02 11:53am
Subject: Microsoft Settlement
C. Kenneth Yetter
314 Hillside Drive
Shillington, Pa 19607
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
C. Kenneth Yetter

MTC-00033019

From: Frank Moretti
To: Ms. Renata Hesse
Date: 1/22/02 11:56am
Subject: Microsoft Settlement
Frank Moretti
4 Giles Hill Road
Redding, Ct 06896
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Frank Moreti

MTC-00033020

From: Billy Kidd
To: Ms. Renata Hesse
Date: 1/22/02 11:56am
Subject: Microsoft Settlement
Billy Kidd
157 Sanders Drive
Minden, LA 71055-7503
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Billy H. Kidd

MTC-00033021

From: William O'Byrne
To: Ms. Renata Hesse
Date: 1/22/02 11:58am
Subject: Microsoft Settlement
William O'Byrne
3631 Vienna Drive
College Station, TX 77845
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William F. O'Byrne

MTC-00033022

From: Donald High
 To: Ms. Renata Hesse
 Date: 1/22/02 12:01pm
 Subject: Microsoft Settlement
 Donald High
 1007 Edgeworth Ave.
 Kirkwood, MO 63122-2434
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust
 Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Donald A. High

MTC-00033023

From: Katherine High
 To: Ms. Renata Hesse
 Date: 1/22/02 12:06pm
 Subject: Microsoft Settlement
 Katherine High
 1007 Edgeworth Ave.
 Kirkwood, MO 63122-2434
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Katherine L. High

MTC-00033024

From: Larry Fruth
 To: Ms. Renata Hesse
 Date: 1/22/02 12:13pm
 Subject: Microsoft Settlement
 Larry Fruth
 101 Summerfield Blvd.
 Bowling Green, OH 43402
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to

disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Larry Fruth

MTC-00033025

From: George B. Clark
To: Ms. Renata Hesse
Date: 1/22/02 12:17pm
Subject: Microsoft Settlement
George B. Clark
6800 Winged Foot Drive
Stuart, FL 34997-8619
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
George B. Clark

MTC-00033026

From: Sterling Haskell
To: Ms. Renata Hesse
Date: 1/22/02 12:36pm
Subject: Microsoft Settlement
Sterling Haskell
2239 Watrous Drive
Dunedin, FL 34698
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

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Sincerely,
Sterling E. Haskell

MTC-00033027

From: Harold McGraw
To: Ms. Renata Hesse
Date: 1/22/02 12:36pm
Subject: Microsoft Settlement
Harold McGraw
9 Sidney Drive
Independence, Ky 41051
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Harold E. Mcgraw

MTC-00033028

From: David W. Bosscher
To: Ms. Renata Hesse
Date: 1/22/02 12:39pm

Subject: Microsoft Settlement
David W. Bosscher
2911 Chamberlain SE
Grand Rapids, MI 49508
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
David W. Bosscher

MTC-00033029

From: Russell Coventry
To: Ms. Renata Hesse
Date: 1/22/02 12:58pm
Subject: Microsoft Settlement
Russell Coventry
P. O. Box 104
Ellison Bay, WI 54210
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Russell A. Coventry

MTC-00033030

From: Bernd Koken
To: Ms. Renata Hesse
Date: 1/22/02 1:02pm
Subject: Microsoft Settlement
Bernd Koken
916 MacEwen Drive
Osprey, FL 34229
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Bernd Koken

MTC-00033031

From: john duncan
To: Ms. Renata B. Heese
Date: 1/22/02 1:03pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
john duncan
8905 65th St W

University Place, WA 98467-1652
CC: Citizens for a Sound Economy

MTC-00033032

From: Joni Masterson
To: Ms. Renata B. Heese
Date: 1/22/02 1:04pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Respectfully,
Joni Masterson
2756 SW 327th St.
Federal Way, WA 98023-2536
CC: Citizens for a Sound Economy

MTC-00033033

From: BOBBY JONES
To: Ms. Renata Hesse
Date: 1/22/02 1:04pm
Subject: Microsoft Settlement
BOBBY JONES
310 DELAWARE SPRINGS BLVD.
BUTNET, TX 78611-3516
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Colonel Bobby A. Jones, USAF (RET)

MTC-00033034

From: WILLIAM NESBITT
 To: Ms. Renata Hesse
 Date: 1/22/02 1:08pm
 Subject: Microsoft Settlement
 WILLIAM NESBITT
 4135 CREEKWOOD LN.
 MULBERRY, FL 33860
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely, please get rid of all the lawyers
 WILLIAM NESBITT

MTC-00033035

From: ROBERT JACKSON

To: Ms. Renata Hesse
 Date: 1/22/02 1:13pm
 Subject: Microsoft Settlement
 ROBERT JACKSON
 165 A HAGUE BLVD
 GLENMONT, NY 12077-3617
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Robert A. Jackson

MTC-00033036

From: James Whatley
To: Ms. Renata Hesse
Date: 1/22/02 1:19pm
Subject: Microsoft Settlement
James Whatley
350 Center Point River Road
Kerrville, TX 78028-8004
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
James Whatley

MTC-00033037

From: Harold A Brenner
To: Ms. Renata Hesse
Date: 1/22/02 1:22pm
Subject: Microsoft Settlement
Harold A Brenner
96 Hibiscus Dr.
Punta Gorda, FL 33950
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an

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Sincerely,
H. A. Brenner

MTC-00033039

From: Richard Chappell
To: Ms. Renata Hesse
Date: 1/22/02 1:30pm
Subject: Microsoft Settlement
Richard Chappell
262 Cambridge Road
Camden, DE 19934-1204
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Richard G. Chappell

MTC-00033040

From: Samuel Hall Jr
To: Ms. Renata Hesse
Date: 1/22/02 1:39pm
Subject: Microsoft Settlement
Samuel Hall Jr
1418 Pleasant Valley Dr
Baltimore, MD 21228-2541
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge

Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Samuel D Hall Jr

MTC-00033041

From: W. E. Connell
To: Ms. Renata Hesse
Date: 1/22/02 1:40pm
Subject: Microsoft Settlement
W. E. Connell
6201 Simmons Dr.
Anniston, AL 36206-1174
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
W. E. Connell, Jr

MTC-00033042

From: David Lopez
To: Ms. Renata Hesse
Date: 1/22/02 1:46pm

Subject: Microsoft Settlement

David Lopez

P.O. Box 17412

Tampa, FL 33682-7412

January 22, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever,

the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

David Lopez

MTC-00033043

From: Paul Aloia

To: Ms. Renata Hesse

Date: 1/22/02 1:54pm

Subject: Microsoft Settlement

Paul Aloia

826 Lansing Switch

Longview, TX 75602

January 22, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Paul Aloia

MTC-00033044

From: Philip Robinson

To: Ms. Renata Hesse

Date: 1/22/02 1:57pm

Subject: Microsoft Settlement

Philip Robinson

7113 Sheffield Dr.

Knoxville, TN 37909

January 22, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Philip A. Robinson

MTC-00033045

From: Delbert Cummngs
To: Ms. Renata Hesse
Date: 1/22/02 2:04pm
Subject: Microsoft Settlement
Delbert Cummngs
4870 Big Pine Dr.
Lakeside, Az 85929-5511
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Delbert E. Cummngs

MTC-00033046

From: WALT MORENO
To: Ms. Renata Hesse
Date: 1/22/02 2:05pm
Subject: Microsoft Settlement
WALT MORENO
933 MENDOCINO AVENUE
SANTA ROSA, CA 95401
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

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Sincerely,
Walt Moreno

MTC-00033047

From: MARY V. MORIN
To: Ms. Renata Hesse
Date: 1/22/02 2:06pm
Subject: Microsoft Settlement
MARY V. MORIN
256 HILLSIDE AVENUE
CHATHAM, NJ 07928
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the

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Sincerely,
Mary V. Morin

MTC-00033048

From: William H. Schauer Jr.
To: Ms. Renata Hesse
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement
William H. Schauer Jr.
970 Gershwin Dr.
Largo, FL 33771-1314

January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
William H. Schauer Jr.

MTC-00033049

From: Robaron250@aol.com@inetgw
To: Microsoft ATR
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement

As a senior citizen and a member of the voting public I deplore the intrusion of state governments into a rational Justice Department settlement of the Microsoft litigation.

Surely they've been aggressive—isn't that the nature of competitiveness in the business world? I feel that the states are not so much seeking redress for their constituents but rather are hopeful of a financial windfall. Enough, if you please!!!

R.J.Corbliis
Barnegat, NJ

MTC-00033050

From: Eileen Bolton
To: Ms. Renata Hesse
Date: 1/22/02 2:09pm
Subject: Microsoft Settlement
Eileen Bolton

3351 Lee Street
Hollywood, FL 33021
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance ? the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against

computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Eileen Bolton

MTC-00033051

From: Leo Caissie
To: Ms. Renata Hesse
Date: 1/22/02 2:10pm
Subject: Microsoft Settlement
Leo Caissie
524 Main Street
Hudson, MA 01749-2909
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Leo A. Caissie

MTC-00033052

From: Robert Curley
To: Ms. Renata Hesse
Date: 1/22/02 2:16pm
Subject: Microsoft Settlement
Robert Curley
534 candlewood Lane
Flat Rock, NC 28731-9638
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the

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Sincerely,
Robert Curley

MTC-00033053

From: Herman Riley Stein
To: Ms. Renata Hesse
Date: 1/22/02 2:18pm
Subject: Microsoft Settlement
Herman Riley Stein
154 Seminole Blvd
Tavernier, FL 33070-2148
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I do not need someone to write messages for me any more than I need the lawyers living off the DOJ to decide what is good for

me. I liked the telephone service that worked! So it cost a bit more but the phones could fall from the second story and still work. Now we have junk phones from China and God knows where which need replacing each year. Thank you DOJ! The "hodgopog" called service must also be from China. Now the student lawyers want to kill the organization that made the computer operation possible for almost any age group. AND YOU USE MY MONEY TO MAKE MY LIFE MORE DIFFICULT. I wonder just what is taught in law school these days. It sure isn't to defend the ordinary people. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. when all appeals from continuing the litigation would finally be exhausted.

Sincerely and Thank you
Herman Riley Stein

MTC-00033054

From: Robert Woody
To: Ms. Renata Hesse
Date: 1/22/02 2:29pm
Subject: Microsoft Settlement
Robert Woody
8325 Harvard Ave
Raytown, Mo 64138-3645
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Robert Woody

MTC-00033055

From: duane carlson
To: Ms. Renata Hesse
Date: 1/22/02 2:31pm
Subject: Microsoft Settlement
duane carlson
206 riverside rd.
marquette, mi 49855
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
duane r carlson

MTC-00033056

From: William Laudel
To: Ms. Renata Hesse
Date: 1/22/02 2:34pm
Subject: Microsoft Settlement
William Laudel
661 Kirkshire
St. Louis, Mo 63122
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by

District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
William H. Laudel

MTC-00033057

From: Leland Evjen
To: Ms. Renata Hesse
Date: 1/22/02 2:36pm
Subject: Microsoft Settlement
Leland Evjen
1517 1st ave east
Williston, ND 58801
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing The terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Leland Evjen

MTC-00033058

From: Jared Nuzzolillo
To: Microsoft ATR

Date: 1/22/02 2:39pm

Subject: Microsoft Settlement

I am writing to you with the hope that one honest voice may be heard above the shouting and screaming of special interest groups across the nation. I'd like to start by stating that I have no financial interest in Microsoft whatsoever, nor do I belong to any organization that has said interests. I am coming to you, specifically, as a freedom-loving American consumer.

Microsoft has, time and again, created the cheapest and most efficacious software available in its industry. I use Windows daily, and have found it both easier and faster than alternative products I have used (and there are many). Microsoft's software is, in a single word, superior. Microsoft is currently being penalized by a lawsuit raised, not by the consumers, but by those who failed to compete with them fairly, and seek special help from "Uncle Sam" to force their own software into the market. I don't want their slow and unreliable software, and as an intelligent, (mostly) free human being, resent the fact that you are attempting to remove yet another choice from me.

Success and innovation should be rewarded in our nation, not penalized. Bill Gates is an icon of the American dream, and to steal/destroy/control his property is an affront to civilized society as a whole. It is your job to protect his, and the other Microsoft shareholders, rights, not to ingratiate upon them. Please, take this opportunity to show the citizenry that the government of our proud nation will protect the rights of its people, and not give in to lobbyists and talking-heads. Please, preserve our freedom.

Sincerely,
Jared Nuzzolillo

MTC-00033059

From: Leona Morgan
To: Ms. Renata Hesse
Date: 1/22/02 2:42pm
Subject: Microsoft Settlement
Leona Morgan
3 Old Chester Road
East Derry, NH 03041-0087
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Leona N Morgan

MTC-00033060

From: Mildred Van Keuren
To: Ms. Renata Hesse
Date: 1/22/02 2:45pm
Subject: Microsoft Settlement
Mildred Van Keuren
414 Shropshire St
San Antonio, TX 78217-6033
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mildred Van Keuren

MTC-00033061

From: Margaret M. Rivers
To: Ms. Renata Hesse
Date: 1/22/02 3:06pm
Subject: Microsoft Settlement
Margaret M. Rivers
3507 Springfield Ct.
Valparaiso, IN 46383-1948

January 22, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Margaret M. Rivers

MTC-00033062

From: Edward Jayjack
To: Ms. Renata Hesse
Date: 1/22/02 3:11pm
Subject: Microsoft Settlement
Edward Jayjack
2120 W. Pleasant Valley Rd.
Parma, Oh 44134
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after

purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Edward Jayjack

MTC-00033063

From: Jim Nussle
To: Ms. Renata Hesse
Date: 1/22/02 3:12pm
Subject: Microsoft Settlement
Jim Nussle
1101 Division St.
Cresco, IA 52136-1017
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Raymond W. Morrison

MTC-00033064

From: David Ott
To: Ms. Renata Hesse
Date: 1/22/02 3:15pm
Subject: Microsoft Settlement
David Ott
1126 Nathaniel Ct
Hazelwood, MO 63042-3812
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
David E. Ott

MTC-00033065

From: Philip Miller
To: Ms. Renata Hesse
Date: 1/22/02 3:16pm
Subject: Microsoft Settlement
Philip Miller
4011 Rolling Green Dr.
Memphis, TN 38125
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or

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Sincerely,
Philip Miller

MTC-00033066

From: Erik Hanson
To: Ms. Renata B. Heese
Date: 1/22/02 3:42pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Erik Hanson
1602 Naval Ave. #38
Bremerton, WA 98312-3081
CC:
Citizens for a Sound Economy

MTC-00033067

From: Alice Burich
To: Ms. Renata Hesse
Date: 1/22/02 4:07pm
Subject: Microsoft Settlement
Alice Burich
343 Whitclem Drive
Palo Alto, CA 94306-4115
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Alice B. Burich

MTC-00033068

From: James Hand
To: Ms. Renata Hesse
Date: 1/22/02 4:08pm
Subject: Microsoft Settlement
James Hand
368 Lower LaVista Ct. NW
Salem, OR 97304
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
James A. Hand

MTC-00033069

From: Jack McCorkle
To: Ms. Renata Hesse
Date: 1/22/02 4:09pm
Subject: Microsoft Settlement
Jack McCorkle
1240 Bridlewood Way
Reno, NV 89509-7116
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Jack E. McCorkle, Reno, Nevada

MTC-00033070

From: Helen Allport
To: Ms. Renata Hesse
Date: 1/22/02 4:25pm
Subject: Microsoft Settlement
Helen Allport
346 Fremont Road
Nottingham, PA 19362
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

As a taxpayer and consumer, I SUPPORT the Microsoft settlement.

Sincerely,
Helen P. Allport

MTC-00033071

From: Robert Merkle
To: Ms. Renata Hesse
Date: 1/22/02 4:28pm
Subject: Microsoft Settlement
Robert Merkle
153 Wildflower Lane
Waynesville, NC 28786
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Robert B. Merkle

MTC-00033072

From: Brenda A. Moran
To: Ms. Renata Hesse
Date: 1/22/02 4:53pm
Subject: Microsoft Settlement
Brenda A. Moran
P O Box 2160
Hobbs, NM 88241-2160
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Brenda A. Moran

MTC-00033073

From: Rudy p Petorelli
To: Ms. Renata Hesse
Date: 1/22/02 4:58pm
Subject: Microsoft Settlement
Rudy p Petorelli
519-1 Joseph Ct
Naples, FL 34104
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Rudy Petorelli

MTC-00033074

From: Hal Neiman
To: Ms. Renata Hesse
Date: 1/22/02 5:05pm
Subject: Microsoft Settlement
Hal Neiman
2212 California Ave.
Santa Monica, CA 90403
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Hal Neiman

MTC-00033075

From: Paul Walker
To: Ms. Renata Hesse
Date: 1/22/02 5:11pm
Subject: Microsoft Settlement
Paul Walker
3137 Whisper Blvd.
Deland, FL 32724-8247
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Paul C. Walker

MTC-00033076

From: Phil Corwin
To: Ms. Renata Hesse
Date: 1/22/02 5:12pm
Subject: Microsoft Settlement
Phil Corwin
1717 Voorhees Ave.
Manhattan Beach, CA 90266-7045
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

Please see the comments at the end (from a friend of mine who I agree with in this instance) that are in addition to the next text.

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. BELOW IS THE ADDITIONAL TEXT.

If the premise of the final sentence is true, then this seems like a reasonable question:

Two men, both billionaires. One develops relatively cheap software and gives hundreds of millions of dollars to charity. The other sponsors terrorism and is probably responsible for the deaths of thousands. That being the case, why is it that the US government has spent more money chasing down Bill Gates over the past ten years than Osama bin Laden?

Sincerely,
Phil Corwin

MTC-00033077

From: joseph kudzol
To: Ms. Renata Hesse
Date: 1/22/02 5:18pm
Subject: Microsoft Settlement
joseph kudzol
112 dolphin drive
fayetteville, ga 30214
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
joe kudzol

MTC-00033078

From: George Mason
To: Ms. Renata Hesse
Date: 1/22/02 5:26pm
Subject: Microsoft Settlement
George Mason
19053 North 88th Ave.
Peoria, AZ 85382-8541
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
George F. Mason

MTC-00033079

From: George Vogrin
To: Ms. Renata Hesse
Date: 1/22/02 5:34pm
Subject: Microsoft Settlement
George Vogrin
933 73rd Street
Downers Grove, IL 60516
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
George R. Vogrin

MTC-00033080

From: GEORGE HANSEN
To: Ms. Renata Hesse
Date: 1/22/02 5:34pm
Subject: Microsoft Settlement
GEORGE HANSEN
513 VAUTIER RD.
SEQUIM, WA 98382
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
GEORGE HANSEN

MTC-00033081

From: Mary Johnston
To: Ms. Renata Hesse
Date: 1/22/02 5:36pm
Subject: Microsoft Settlement
Mary Johnston
6530 SW Parkhill Drive
Portland, OR 97201
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mary E. Kincaid Johnston

MTC-00033082

From: Robert Lipp
To: Ms. Renata Hesse
Date: 1/22/02 5:42pm

Subject: Microsoft Settlement
Robert Lipp
23265 Woodhaven Ct
Farmington Hills, MI 48335-3124
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I am a taxpayer and a consumer of several Microsoft products. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert E. Lipp

MTC-00033083

From: Maurice Angvall
To: Ms. Renata Hesse
Date: 1/22/02 5:42pm
Subject: Microsoft Settlement
Maurice Angvall
1049 Marchetti Ct.
Chico, CA 95926
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Maurice W. Angvall

MTC-00033084

From: Harry Stewart
To: Ms. Renata Hesse
Date: 1/22/02 5:45pm
Subject: Microsoft Settlement
Harry Stewart
5018 Colorado Rd.
Midpines, Ca 95345-9707
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Harry O. Stewart

MTC-00033085

From: George Greaney
To: Ms. Renata Hesse
Date: 1/22/02 5:55pm
Subject: Microsoft Settlement
George Greaney
1603—E. Hedgecroft
Seabrook, TX 77586
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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George J. Greaney

MTC-00033086

From: Perry Lewis
To: Ms. Renata Hesse
Date: 1/22/02 5:59pm
Subject: Microsoft Settlement
Perry Lewis
175 18th SW
Huron, SD 57350
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Perry Lewis

MTC-00033087

From: Vernon White
To: Ms. Renata Hesse
Date: 1/22/02 6:00pm
Subject: Microsoft Settlement
Vernon White
6245 3rd Ave. North
St. Petersburg, FL 33710-7822
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to

the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Vernon H. White

MTC-00033088

From: Bruce Lewis
To: Ms. Renata Hesse
Date: 1/22/02 6:00pm
Subject: Microsoft Settlement
Bruce Lewis
3119 Knollwood Ct
Sioux City, IA 51106

January 22, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Bruce Lewis

MTC-00033089

From: Andrew Pickens
To: Ms. Renata Hesse
Date: 1/22/02 6:06pm
Subject: Microsoft Settlement
Andrew Pickens
222 Halbart Drive
San Antonio, TX 78213
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Pickens

MTC-00033090

From: Ruth Howard
To: Ms. Renata Hesse
Date: 1/22/02 6:10pm
Subject: Microsoft Settlement
Ruth Howard
1405 PLantation Dr.
Lady Lake, Fl 32159-2246
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ruth C. Howard

MTC-00033091

From: Joseph Vrzalik
To: Ms. Renata Hesse
Date: 1/22/02 6:11pm
Subject: Microsoft Settlement
Joseph Vrzalik
3890 Schroeder Avenue
Perry Hall, MD 21128
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Joseph F. Vrzalik

MTC-00033092

From: Rodger Landes
To: Ms. Renata Hesse
Date: 1/22/02 6:16pm
Subject: Microsoft Settlement
Rodger Landes
1238 Creek Road
Lititz, PA 17543
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Rodger B. Landes

MTC-00033093

From: Pam Barton
To: Ms. Renata Hesse
Date: 1/22/02 6:22pm
Subject: Microsoft Settlement
Pam Barton
404 Jasmine Way
Clearwater, FL 33756
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of

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Sincerely,
Pam Barton

MTC-00033094

From: Ray Barton
To: Ms. Renata Hesse
Date: 1/22/02 6:26pm
Subject: Microsoft Settlement
Ray Barton

404 Jasmine Way
Clearwater, FL 33756
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this

settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Ray Barton

MTC-00033095

From: Allison Moore
To: Ms. Renata Hesse
Date: 1/22/02 6:28pm
Subject: Microsoft Settlement
Allison Moore
10636 S. Niagara
Littleton, CO 80124
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Allison Moore

MTC-00033096

From: Bill Reddie
To: Ms. Renata Hesse
Date: 1/22/02 6:28pm
Subject: Microsoft Settlement
Bill Reddie
661 E. Intrepid St P.O.Box 1314
Pahrump, NV 89041
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Bill Reddie

MTC-00033097

From: John Lunkes
To: Ms. Renata B. Heese
Date: 1/22/02 6:30pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
John Lunkes
8210 49th St. Ct., West

University Place, WA 98467-1969
CC: Citizens for a Sound Economy

MTC-00033098

From: ALLAN HANSON
To: Ms. Renata Hesse
Date: 1/22/02 6:39pm
Subject: Microsoft Settlement
ALLAN HANSON
6020 LITTLE SPRING ROAD
SOMERSET, CA 95684-9219
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
ALLAN G. HANSON

MTC-00033099

From: Howard Milke
To: Ms. Renata Hesse
Date: 1/22/02 6:39pm
Subject: Microsoft Settlement
Howard Milke
35 Ocean Meadows N. PO Box 2348
Ogunquit, ME 03907-2348
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Howard Milke

MTC-00033100

From: lillian lee
To: Ms. Renata Hesse
Date: 1/22/02 6:43pm
Subject: Microsoft Settlement
lillian lee
22120 center st 502
castro valley, ca 94546
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
lillian lee

MTC-00033101

From: Dorothy Howard
To: Ms. Renata Hesse
Date: 1/22/02 6:44pm
Subject: Microsoft Settlement
Dorothy Howard
2285 Norwegian Drive, Apt. 59
Clearwater, FL 33763
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dorothy H. Howard

MTC-00033102

From: Renata B. Hesse

To: Ms. Renata Hesse
Date: 1/22/02 6:49pm
Subject: Microsoft Settlement
Renata B. Hesse
5532 Country Club Way
Sarasota, Fl 34243-3757
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Frederick C. Faulkner

MTC-00033103

From: Richard Haugen
To: Ms. Renata Hesse
Date: 1/22/02 6:50pm
Subject: Microsoft Settlement
Richard Haugen
740 Southgate
Fullerton, Ca 92832
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Richard Haugen

MTC-00033104

From: Catherine Reimer
To: Ms. Renata Hesse
Date: 1/22/02 6:55pm
Subject: Microsoft Settlement
Catherine Reimer
14 Truman Road
Charleroi, PA 15022
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Taxpayer & Consumer
Catherine M. Reimer

MTC-00033105

From: Howard Garrett
To: Ms. Renata Hesse
Date: 1/22/02 6:55pm
Subject: Microsoft Settlement
Howard Garrett
2107 Sylvan Lane
Midland, MI 48640
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Howard L. Garrett

MTC-00033106

From: Alvin Barber, Jr.
To: Ms. Renata Hesse
Date: 1/22/02 7:01pm
Subject: Microsoft Settlement
Alvin Barber, Jr.
1885 Aloha Street
Red Bluff, CA 96980-4009
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Rejoicing in Christ,
Alvin B. Barber, Jr.

MTC-00033107

From: Dennis Fischer
To: Ms. Renata Hesse
Date: 1/22/02 7:02pm
Subject: Microsoft Settlement
Dennis Fischer
9728 Regalton Court
St. Louis, MO 63123-5318
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dennis R. Fischer

MTC-00033108

From: Mary Stock

To: Ms. Renata Hesse
 Date: 1/22/02 7:05pm
 Subject: Microsoft Settlement
 Mary Stock
 670 Island Way #607
 Clearwater, FL 33767
 January 22, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Mary Stock

MTC-00033109

From: June Hillyer
 To: Ms. Renata Hesse
 Date: 1/22/02 7:08pm
 Subject: Microsoft Settlement
 June Hillyer

50 Churhill Drive
 Bella Vista, AR 72714-6232
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
 June Hillyer

MTC-00033110

From: Mike Silva
 To: Department of Justice
 Date: 1/22/02 7:16pm
 Subject: Message From a Concerned Citizen
 Dear Department of Justice:
 Dear Sir;

I believe you are making a serious error in judgement in going after Microsoft in this manner. I believe their competition is trying to break Microsoft. Giving codes and strip down versions of windows and other programs will weaken the abilities of Microsoft to create new programming, and this will hurt the consumer. Microsoft developed windows and should be able to keep the codes that they created. It seems to me that you would be stripping the company of a product they basically created, and continue to develop. I do believe that there should be a choice of browsers and programs independent of using Microsoft software. Linux seems to be one and I'm sure there could be others. The problem is that windows is owned and operated by Microsoft and was their invention to start with and to give away secret codes would put not only Microsoft at risk of piracy(sp) but every other company in the world at risk. Why develop a product and share all the workings only to have it stolen by a rival under the guise of unfair business.

Sincerely,
 Mike Silva
 1717 Pepper Villa Drive
 El Cajon, CA 92021-1215

MTC-00033111

From: Charles Patterson
 To: Ms. Renata Hesse
 Date: 1/22/02 7:21pm
 Subject: Microsoft Settlement
 Charles Patterson
 P O Box 9069
 Gosnell, AR 72319
 January 22, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:
 I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Charles Patterson

MTC-00033112

From: Joe Boehnlein
To: Ms. Renata Hesse

Date: 1/22/02 7:27pm
Subject: Microsoft Settlement
Joe Boehnlein
5389 Circle Drive
Belmont, Mi 49306-9002
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Joe Boehnlein

MTC-00033113

From: John I. McLain
To: Ms. Renata Hesse
Date: 1/22/02 7:27pm
Subject: Microsoft Settlement
John I. McLain
16874 131st Way N
Jupiter, FL 33478
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
John I. McLain

MTC-00033114

From: Luther Klick
To: Ms. Renata Hesse
Date: 1/22/02 7:31pm
Subject: Microsoft Settlement
Luther Klick
315 E. Chestnut St.
Cleona, Pa 17042
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Luther Klick

MTC-00033115

From: James Frisbie
To: Ms. Renata Hesse
Date: 1/22/02 7:35pm
Subject: Microsoft Settlement
James Frisbie
636 Holly Road
Cadillac, MI 49601
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
James R. Frisbie

MTC-00033116

From: Howard Sampson
To: Ms. Renata Hesse
Date: 1/22/02 7:41pm
Subject: Microsoft Settlement
Howard Sampson
4063 RR 4
Cortland, OH 44410
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Howard Sampson

MTC-00033117

From: Aloma Blaylock
To: Ms. Renata B. Hesse
Date: 1/22/02 7:50pm
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Microsoft has given us programs and operating system that is easy to access and use. No one has forced me to use their operating system. Competitors who have fallen behind in innovation should stop complaining and get to work. Are you going to make General Mills package a little Special K with their Cheerios if they get a high percentage of the cereal market?

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Aloma Blaylock
1013 West 13th
Port Angeles, WA 98363-7220
CC: Citizens for a Sound Economy

MTC-00033118

From: Chris Norbury
To: Ms. Renata Hesse
Date: 1/22/02 7:56pm
Subject: Microsoft Settlement
Chris Norbury
2175 Sunflower Lane
Owatonna, MN 55060-2083
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Chris Norbury

MTC-00033119

From: Becki Shaffer
To: Ms. Renata Hesse
Date: 1/22/02 8:02pm
Subject: Microsoft Settlement
Becki Shaffer
939 Deerfield Rd.
Deerfield, IL 60015
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Becki A. Shaffer

MTC-00033120

From: D Carlton Cobb
To: Ms. Renata Hesse
Date: 1/22/02 8:03pm
Subject: Microsoft Settlement
D Carlton Cobb
3892 Three Doves Cove
Memphis, TN 38133-2106
January 22, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
D. Carlton Cobb

MTC-00033121

From: Carolyn Lovern
To: Ms. Renata B. Hesse
Date: 1/22/02 8:05pm
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Carolyn Lovern
25122 Florence Acres Rd.
Monroe, WA 98272-9661
CC: Citizens for a Sound Economy

MTC-00033122

From: Ronald Newton
To: Ms. Renata Hesse
Date: 1/22/02 8:07pm
Subject: Microsoft Settlement
Ronald Newton
307 Rainbow Ct
Paso Robles, CA 93446-2986
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Ronald C Newton

MTC-00033123

From: Bill Zeitlin
To: Ms. Renata Hesse
Date: 1/22/02 8:17pm
Subject: Microsoft Settlement
Bill Zeitlin
281 Swan Court
Manhasset, NY 11030
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Bill Zeitlin

MTC-00033126

From: fred bialek
To: Ms. Renata Hesse
Date: 1/22/02 8:32pm
Subject: Microsoft Settlement
fred bialek
200 winding way
woodside, ca 94062
January 22, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Fred B. Bialek

MTC-00033127

From: jdfrost
To: Attorney General John Ashcroft
Date: 1/22/02 8:33pm
Subject: Microsoft Settlement
Joan Frost
838 N 161st Place
Shoreline, WA 98133
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

The recent antitrust settlement between Microsoft and the US Department of Justice has been a long time coming. I feel that the lawsuit was unjustified in the first place. Microsoft has done wonderful things for our nation. It has created jobs, made technological breakthroughs, and contributed to our education systems. The Windows operating system for all practical purposes is the standard for the industry without which we would not have most of our application software if there were no "standard" in place. In part, the state of our depressed economy was brought about by this suit that has had a negative impact upon the PC industry.

Yet, the government wants to bring it down. It seems that if one succeeds then that entity must automatically be evil. The terms of the settlement reflect the intense lobbying efforts of Microsoft's competitors. For one, all the concessions are geared towards helping the competitors gain an edge that they would not have achieved on their own. Microsoft is giving them technological information such as interfaces and protocols. Microsoft is also agreeing not to retaliate against computer makers and software developers who promote non-Microsoft products.

Although flawed, the settlement should be realized because the alternative of further litigation would be too much for our country to bear. We need Microsoft to be creating new products for the public's best interests. Why do we so mistrust the judgment of the public who has voted with their pocket book by purchasing Microsoft products?

Sincerely,
Joan Frost

MTC-00033128

From: George Hallock
To: Ms. Renata Hesse
Date: 1/22/02 9:01pm
Subject: Microsoft Settlement
George Hallock
4034 Selkirk Court
Cypress, CA 90630
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater international significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

George Hallock

MTC-00033129

From: Alfred Lehman
To: Ms. Renata Hesse
Date: 1/22/02 9:33pm
Subject: Microsoft Settlement
Alfred Lehman
1364 Richland Blvd.
Bay Shore, NY 11706-5444
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Joining many other Americans, I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million. I have studied the terms of this ruling, and I strongly feel that this final approval is clearly in the public interest.

Our greatest boon in this settlement: the Department of Justice and the settling states will AVOID ADDITIONAL COSTS and now be able to focus their time and resources on matters of greater importance: the war against terrorism, and homeland security. As noted by Judge Colleen Kollar-Kotelly, who pushed for a settlement after the September 11 tragedy, "it's vital for the country to move on from this lawsuit." I can readily see that the terms of the settlement offer a fair resolution for all sides - the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft need not be broken up and can continue to innovate and provide new software and products. Software developers and Internet Service Providers, including competitors, will now have access to Microsoft's programming language and thus be able to make Microsoft programs compatible with their own. It's good to know that competitors also gain as computer manufacturers are free to uninstall any Microsoft application or operating system and install other programs. And...Microsoft cannot retaliate against computer manufacturers, ISPs, or other software makers for using products developed by Microsoft competitors. ALSO: a Technical Committee will work out of Microsoft's headquarters for five years, at the company's expense, to monitor Microsoft's compliance with the settlement. That, too, is acceptable.

This settlement is fair to the computer users of America. Consumers will be able to select from a variety of pre-installed software on their computers, even find it easier to substitute competitor products after purchase.

This case was supposedly brought on behalf of American consumers, and we certainly "paid our way"—the cost of litigation—through our taxes. Even our investment portfolios have taken a hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change!

Sincerely,
Alfred C. Lehman, MS, MSC

MTC-00033130

From: RICHARD NAPLES
To: Ms. Renata Hesse
Date: 1/22/02 9:41pm
Subject: Microsoft Settlement
RICHARD NAPLES
199 INAGUA ST
DANIA BEACH, FL 33004
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
RICHARD D NAPLES

MTC-00033131

From: Thomas Mignini
To: Ms. Renata Hesse
Date: 1/22/02 9:50pm
Subject: Microsoft Settlement
Thomas Mignini
638 Rocky Hill Rd
Sparks, MD 21152
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Mignini

MTC-00033132

From: Edwin Fisch
To: Ms. Renata Hesse
Date: 1/22/02 9:53pm
Subject: Microsoft Settlement
Edwin Fisch
6113 Bellingham Drive
Castro Valley, CA 94552-1631
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Edwin J. Fisch

MTC-00033133

From: Sharon Riddle
To: Ms. Renata B. Heese
Date: 1/22/02 10:40pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sharon Riddle
4921 102nd Ln NE
Kirkland, WA 98033-7641
CC: Citizens for a Sound Economy

MTC-00033134

From: Thomas Crosswhite
To: Ms. Renata Hesse
Date: 1/22/02 11:27pm
Subject: Microsoft Settlement
Thomas Crosswhite
127 Lidster Avenue

Grass Valley, CA 95945
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in

the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Crosswhite

MTC-00033135

From: Toni Curtis
To: Ms. Renata Hesse
Date: 1/22/02 11:36pm
Subject: Microsoft Settlement
Toni Curtis
6960 Deer Bluff Dr
Dayton, OH 45424
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Toni J Curtis

MTC-00033136

From: Larry Scott
To: Ms. Renata B. Heese
Date: 1/23/02 12:01am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Larry Scott
11211 S.E. 223 pl
Kent, WA 98031-2634
CC: Citizens for a Sound Economy

MTC-00033137

From: James Babcock
To: Ms. Renata B. Heese
Date: 1/23/02 1:09am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft

Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

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Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Babcock
3410 NE 54th Street
Vancouver, WA 98661-2025
CC: Citizens for a Sound Economy

MTC-00033138

From: Theodore W. Guest
To: Ms. Renata Hesse
Date: 1/23/02 2:23am
Subject: Microsoft Settlement
Theodore W. Guest
4366 Carlo Drive
Dayton, OH 45429-4710
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ,

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Theodore W. Guest

MTC-00033139

From: WILLIAM SENATORE
To: Ms. Renata Hesse
Date: 1/23/02 3:39am
Subject: Microsoft Settlement
WILLIAM SENATORE
22718 AUTUMN
NOVI, MI 48374
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
WILLIAM F. SENATORE

MTC-00033140

From: Frank Muccianti
To: Ms. Renata Hesse
Date: 1/23/02 5:06am
Subject: Microsoft Settlement
Frank Muccianti
338 N. Morris Dr.
Palatine, IL 60074
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Frank Muccianti

MTC-00033141

From: thom
Date: 1/23/02 5:09am
Subject: Microsoft Settlement

Regarding the Microsoft settlement, I don't believe that the current proposal provides adequate reparations to those injured by Microsoft's anti-competitive behavior, nor will restore any competitive nature to the high tech market place. Hundred, even thousands, of small companies have ceased to exist over the decades because of Microsoft's anti-competitive business practices, and I fear because of this settlement, in the future Microsoft will put the U.S. economy at risk, AND cause a significant problem with our national security.

Even after being found guilty of being an illegal monopoly, Microsoft's behavior remains un-changed, if not even more anti-competitive. Regulation of their behavior, with the threat of severe criminal penalties for failure to comply, with an immediate large fine (\$5+ billion) is the only remedy that I can see will curtail them. The market must be able to return to a state of competition.

In every sense, the USDOJ has failed by signing the proposed settlement.

Thank you,
Thomas H. Dieterich
Lynnwood WA 98037

MTC-00033142

From: Pat Starkey
To: fin@mobilizationoffice.com@inetgw
Date: 1/23/02 5:24am
Subject: Microsoft

Dear Sir:

As a registered Republican I am requesting that the suit against Microsoft concerning the antitrust settlement between the Department of Justice but settled as soon as possible.

Microsoft company is giving the public what it wants. Remember when the government broke up the telephone companies and the consumer lost. Our prices rose and the service is much worse.

Please settle this antitrust settlement as soon as possible and give the public what it wants.

Patricia F. Starkey
2417 Aubin Lane, Baton Rouge, La. 70816
225-275-6200
CC:Microsoft ATR

MTC-00033143

From: Karl L. Zengel
To: Ms. Renata Hesse
Date: 1/23/02 5:48am
Subject: Microsoft Settlement
Karl L. Zengel
2301 Linwald Lane
Dayton, OH 45459
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid

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Sincerely,
Karl L. Zengel

MTC-00033144

From: Gary Clark
To: Ms. Renata Hesse
Date: 1/23/02 5:53am
Subject: Microsoft Settlement
Gary Clark
6507 Cathedral Oaks Drive
Plant City, Fl 33565-6123
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Gary B. Clark

MTC-00033145

From: Donald Werle
To: Ms. Renata Hesse
Date: 1/23/02 6:02am
Subject: Microsoft Settlement
Donald Werle
238 Gridley Ave
Erie, PA 16508
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Don Werle of Erie Pa

MTC-00033146

From: Wesley Daugherty
To: Ms. Renata Hesse
Date: 1/23/02 6:07am
Subject: Microsoft Settlement
Wesley Daugherty
340 Valley Lane P.O.Box 826
Lebanon, Ky 40033
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Wesley O. Daugherty

MTC-00033147

From: Chris Worley
To: Microsoft ATR
Date: 1/23/02 6:21am
Subject: Microsoft Settlement
Sir/Ma'am,

I find the proposed Microsoft antitrust settlement to be just short of an apology to Microsoft.

It will do nothing to stop their anticompetitive behavior. It will do nothing to spur competition in the software industry. It gives Microsoft carte blanche to continue to run roughshod over consumers and competition.

The media has well documented that every key provision in this settlement has an "opt out" loophole that allows Microsoft to continue its anticompetitive behaviors. The future of high technology is at stake. If you allow Microsoft to remain unchecked, then we are entering a new "dark ages" where a small minority will control the information vital to innovation. The part of the proposal I'm most concerned with is the "security" "opt out" in the "open protocols" section...

"Security" has become a buzzword associated with terrorist acts, allowing Microsoft to portray competing vendor's software compatibility with authentication software as an act of treason. It's just not so. "Security through obscurity" has never stopped hackers with ill intent, it only keeps those being attacked "in the dark". It's much like human viri: we want to know what can infect us, how to keep from getting infected, how to detect the infection, and how to stop the infection (even if it can't be stopped). This information is key to our longevity. For example, the recent anthrax terrorist acts have shown that public information is critical to detection and cure, and the lack of information led to unnecessary infection (of postal workers) and panic among the uninfected, and did nothing to stop the perpetrator.

Software viri/worms require the same publicity to protect and inform the population.

I'm afraid Microsoft has negotiated this loophole in the settlement for a reason other than protecting consumers: they're stopping compatible products from competing under the guise of stopping terrorism. For example, a software package called "Samba" competes with Microsoft NT file servers: file servers compatible with the protocols that provide you with your "network neighborhood". If Microsoft can hide the authentication protocol, then the competing file server software can't compete: if you have to have an NT server to authenticate users, then you might as well use that server to serve files and not use Samba at all (IT departments, in order to simplify their task, would prefer not to run servers with different OSes). For Samba to compete, it must be able to perform all the necessary protocols for Microsoft's network file services. It's all or nothing; it does consumers and competition no good for only part of the protocol to be published. This is similar to their behavior with APIs. By not exposing key OS interfaces, they've been able to create special "hooks" into the OS that only their applications can use, allowing their applications to have features that the competition can't have. It's the same old trick with a new twist, under the guise of "protecting consumers". This settlement is a ruse. It's a trap. And, the DOJ seems overly willing to fall for it, to the detriment of competition and consumers.

Chris Worley
Salt Lake City, Utah

MTC-00033148

From: Agnes Bode
To: Ms. Renata Hesse
Date: 1/23/02 6:21am
Subject: Microsoft Settlement
Agnes Bode
3124 Longfield Road
Glenwood, MD 21738-9644
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Agnes Bode

MTC-00033149

From: Jane Magliacane
To: Ms. Renata Hesse
Date: 1/23/02 6:31am
Subject: Microsoft Settlement
Jane Magliacane
133 Holly Drive
Gardner, MA 01440
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Jane Magliacane

MTC-00033150

From: Frank Ziegler
To: Ms. Renata Hesse
Date: 1/23/02 6:41am
Subject: Microsoft Settlement
Frank Ziegler
4035 NE 22nd Ave.
Ocala, FL 34479-2556
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

Frank I would like to express my support for the revised proposed Final Judgment in

the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Frank Ziegler

MTC-00033151

From: Stephen Storm

To: Ms. Renata Hesse
 Date: 1/23/02 6:41am
 Subject: Microsoft Settlement
 Stephen Storm
 P.O. Box 550
 Eastland, TX 76448
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
 Stephen Storm

MTC-00033152

From: Mary Pardo
 To: Ms. Renata Hesse
 Date: 1/23/02 7:20am
 Subject: Microsoft Settlement
 Mary Pardo
 76 Plymouth St.
 Montclair, NJ 07042
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Mary A. Pardo

MTC-00033153

From: T. C. Hiestand
 To: Ms. Renata Hesse
 Date: 1/23/02 7:20am
 Subject: Microsoft Settlement
 T. C. Hiestand
 1361 Duffers Lane
 Oak Harbor, WA 98277
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mr. and Mrs. T. C. Hiestand

MTC-00033154

From: Joyce L Gorham
To: Ms. Renata B. Heese
Date: 1/23/02 7:21am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Joyce L Gorham
2716 s.e. 31st street
Okeechobee, FL 34974-6747
CC: Citizens for a Sound Economy

MTC-00033155

From: Charles A White
To: Ms. Renata Hesse
Date: 1/23/02 7:21am
Subject: Microsoft Settlement
Charles A White
13012 S Oak Park Ave
Palos Heights, IL 60463-2227
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Charles A White

MTC-00033156

From: Richard Atwater
To: US DOJ
Date: 1/23/02 7:32am
Subject: Microsoft Settlement

To Whom it May Concern:

As a software professional, and US citizen, I am deeply disturbed by the proposed settlement of the Microsoft anti-trust case. As I understand it, it imposes no penalties for Microsoft's illegal past actions, and does nothing to preclude such acts in the future. The settlement should not be accepted as proposed.

Thank you,

Richard M. Atwater, Software Engineer
Charles E. Hill & Associates, Inc.
Indianapolis, IN 46250

MTC-00033157

From: Bert Green
To: Ms. Renata Hesse
Date: 1/23/02 7:46am
Subject: Microsoft Settlement
Bert Green
1060 S. U.S. Hwy. 1 Lot 80
Vero Beach, FL 32962-5678
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Bert Green

MTC-00033158

From: Joseph Abell
To: Ms. Renata Hesse
Date: 1/23/02 7:50am
Subject: Microsoft Settlement
Joseph Abell
4505 South Yosemite, #146
Denver, CO 80237
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

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Sincerely,
J. M. Abell

MTC-00033159

From: Richard Nakashian
To: Ms. Renata Hesse
Date: 1/23/02 7:57am
Subject: Microsoft Settlement
Richard Nakashian
23 Mariners Ln.
Pocasset, Ma 02559-3150
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Marita Nakashian

MTC-00033160

From: Henry & Virginia Harger
To: Ms. Renata Hesse

Date: 1/23/02 8:02am
 Subject: Microsoft Settlement
 Henry & Virginia Harger
 352 Fernberg Road
 Ely, MN 55731
 January 23, 2002
 Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Henry & Virginia Harger

MTC-00033162

From: Rocky Oliver
 To: Ms. Renata Hesse
 Date: 1/23/02 8:05am
 Subject: Microsoft Settlement
 Rocky Oliver
 3402 Socrates Dr.
 Grand Prairie, TX 75052
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
 Rocky Oliver

MTC-00033163

From: RICHARD AND JOYCE RENTEL
 To: Ms. Renata Hesse
 Date: 1/23/02 8:08am
 Subject: Microsoft Settlement
 RICHARD AND JOYCE RENTEL
 8508 MAIN ST #B103
 EDMONDS, WA 98026
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
RICHARD RENTEL

MTC-00033164

From: Phil Martin
To: Ms. Renata Hesse
Date: 1/23/02 8:17am
Subject: Microsoft Settlement
Phil Martin
5583 Old U.S. 41
Lake Park, GA 31636-3490
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Phil Martin, M.D.

MTC-00033165

From: C. W. Berghorn
To: Ms. Renata Hesse
Date: 1/23/02 8:19am
Subject: Microsoft Settlement
C. W. Berghorn
11 Chestnut Lane
Pinehurst, NC 28374
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the

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Sincerely,
C. W. Berghorn

MTC-00033166

From: James Krug
To: Ms. Renata B. Heese
Date: 1/23/02 8:22am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. This suit should never have been brought in the first place.

It is an egregious use of government power to benefit Microsoft's competitors. However, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

James Krug
6125 Troon Ln., S.E.
Olympia, WA 98501-5174
CC: Citizens for a Sound Economy

MTC-00033167

From: Donald McLarty
To: Ms. Renata Hesse
Date: 1/23/02 8:38am
Subject: Microsoft Settlement
Donald McLarty
1511 Vassar
Houston, TX 77006
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers

issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Don McLarty

MTC-00033168

From: Melodie Avis
To: Ms. Renata B. Heese
Date: 1/23/02 9:07am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Melodie Avis 15534 Mira Monte Drive
Houston, TX 77083-4042
CC: Citizens for a Sound Economy

MTC-00033169

From: mail.relay@capwiz.com@inetgw
To: Ms. Renata Hesse
Date: 1/23/02 9:07am
Subject: Microsoft Settlement
James Zengel
6362 Karlsridge Dr
Dayton, oh 45459
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
James M. Zengel

MTC-00033170

From: Louis Prince

To: Ms. Renata Hesse
 Date: 1/23/02 9:26am
 Subject: Microsoft Settlement
 Louis Prince
 Avenida Melisenda
 San Dimas, CA 91773
 January 23, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Louis D. Prince

MTC-00033171

From: C. Frederick Miller
 To: Ms. Renata Hesse
 Date: 1/23/02 9:32am
 Subject: Microsoft Settlement
 C. Frederick Miller
 512 Ridgeway Drive
 Bellingham, WA 98225
 January 23, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
 C. Frederick Miller

MTC-00033172

From: Duane W. Crimin
 To: Ms. Renata Hesse
 Date: 1/23/02 9:41am
 Subject: Microsoft Settlement
 Duane W. Crimin
 1045 Peach Drive
 Ogden, UT 84404-6528
 January 23, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Duane W. Crimin

MTC-00033173

From: William Rohrbaugh
To: Ms. Renata Hesse
Date: 1/23/02 9:51am
Subject: Microsoft Settlement
William Rohrbaugh
912 Sherwood St
Hanover, PA 17331
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
W.Max Rohrbaugh

MTC-00033174

From: kolev@beiks.com@inetgw
Date: 1/23/02 10:02am Message-ID:
<012101c1a438\$05d3b950\$1b0210ac
@bkolev1>

From: "Bobby Kolev" <kolev@beiks.com>
To: <microsoft.atr@usdoj.gov>
Subject: Split was the right thing to do
Date: Wed, 23 Jan 2002 12:01:45 -0600

I develop for various platforms, including Palm and PocketPC. I see Microsoft as the best tech company around, it is in fact so well = positioned that it had already crossed the line of being useful and is = dangerous.

As much as I like and admire their business genius, I believe it wasn't = a settlement that needed to be done, but a split. I even believe that = would have been for their own (in addition to everyone else's) interest = in longer run.

Regards,
Bobby Kolev
www.beiks.com

MTC-00033175

From: alma teuscher
To: Ms. Renata Hesse
Date: 1/23/02 10:04am
Subject: Microsoft Settlement
alma teuscher

933 west main st.
newark, oh 43055
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in

the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
alma teuscher

MTC-00033176

From: Clarence Van Alstyne
To: Ms. Renata Hesse
Date: 1/23/02 10:05am
Subject: Microsoft Settlement
Clarence Van Alstyne
680 Forest Ave.
Fulton, NY 13069-3304
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. Believe it or not, I do not have a nickle of MS stock but like a lot of people over the last nine years I become very wary when federal pressure through the DOJ or many other federal organizations appears to be used to extract huge sums of money for the benefit only of our politicians.

Sincerely,
Clarence Van Alstyne

MTC-00033177

From: Margaret Meyer
To: Ms. Renata Hesse
Date: 1/23/02 10:17am
Subject: Microsoft Settlement
Margaret Meyer
11846 Schulze Lane
Ste. Genevieve, MO 63670-8816
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I am signing my name to a letter composed by someone else, but it expresses my thoughts better than I would have been able to, so I thank you in advance for considering my stand on the Microsoft case even though you will have read these words before. I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Margaret L. Meyer

MTC-00033178

From: Brian Pollard
To: Ms. Renata Hesse
Date: 1/23/02 10:20am
Subject: Microsoft Settlement
Brian Pollard
PO Box 268
Mount Desert, ME 04660
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change. As a lifetime executive in the computer industry I KNOW that Microsoft are in a lead position because of the skills and competence.

Their opponents — Apple, Sun, etc. are trailing because of their incompetence and their attempts, unlike Microsoft, to monopolize the industry. Apple sought to sell both hardware and software, and wouldn't allow anyone else to participate, result !% of the market. Sun attempts the same and is losing market share. Go into any store and see the myriuar of computes and software with names other than Microsoft— all there BECAUSE of Microsoft.

Sincerely,
Brian W. Pollard

MTC-00033179

From: Sonnia Bean
To: Ms. Renata B. Heese
Date: 1/23/02 10:21am
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Sonnia Bean
13619 Sandy Point E. KPN
Gig Harbor, WA 98329-5684
CC: Citizens for a Sound Economy

MTC-00033180

From: Carol Stankovsky
To: Ms. Renata Hesse
Date: 1/23/02 10:35am
Subject: Microsoft Settlement
Carol Stankovsky
1917 Empire Drive
Waukesha, WI 53186
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Carol Stankovsky

MTC-00033181

From: Kathy Clancy
To: info@techleadership.org@inetgw
Date: 1/23/02 10:38am
Subject: Microsoft Settlement —CC: On letter to the Americans for Technology Leadership
January 23, 2002

To Americans for Technology Leadership:
I find it absurd that you request a letter from our chamber of commerce for the expedited settlement of the Microsoft case when your mission states that you are "dedicated to limiting government regulation of technology and fostering competitive market solutions to public policy issues affecting the technology industry." Our business have many diverse opinions, and I would bet they would not side with your slanted view.

Microsoft is like big brother and seeks to squelch all and any competition. Tell me, how this is going to "foster competitive markets"? They have a history of squeezing competitors while it makes memory and size

gobbling, inefficient programs. Consumers can demand higher quality, but Microsoft will dish out what it wants—there's no one else to get the milk from! As a degreed Systems Analyst and experience as a beta tester for Microsoft, I tell you that it's worth the money to pressure them. When the government gives in, who else will be able to move the giant? Don't be stupid and influenced by the money. There are principles involved and the future of truly fostering technological innovation is at risk.

This is the note I'll send to the Ms. Hesse.

Respectfully,
Kathryn Clancy
Executive Director
Painesville Area Chamber of Commerce
www.painesvilleohchamber.org
440-357-7572

MTC-00033182

From: earl jones
To: Ms. Renata Hesse
Date: 1/23/02 10:47am
Subject: Microsoft Settlement
earl jones

105 southwestern pl.
sequim, wa 98382
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
earl l. jones

MTC-00033183

From: Mary E. Vaughn
To: Ms. Renata Hesse
Date: 1/23/02 10:47am
Subject: Microsoft Settlement
Mary E. Vaughn
1589 Riverside Dr. Apt A
South Bend, In 46616-1608
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ms. Mary E. Vaughn

MTC-00033184

From: William Simpson
To: Ms. Renata Hesse
Date: 1/23/02 10:49am
Subject: Microsoft Settlement
William Simpson
4856 Glenn Abbey way
Banning, CA 92220
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
William T. Simpson

MTC-00033186

From: Dorman W. Arnold
To: Ms. Renata Hesse
Date: 1/23/02 10:57am
Subject: Microsoft Settlement
Dorman W. Arnold
39 The Orchard
Fayetteville, NY 13066-2254
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of

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Sincerely,
Dorman W. Arnold

MTC-00033187

From: Joseph B. Taphorn
To: Ms. Renata Hesse
Date: 1/23/02 10:57am
Subject: Microsoft Settlement
Joseph B. Taphorn

8 Scenic Drive
Poughkeepsie, NY 12603-5521
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Joseph B. Taphorn

MTC-00033188

From: jde@nextgig.com@inetgw
Date: 1/23/02 10:57am Message-ID:
<3C4F082D.132DEB46@nextgig.com>
Date: Wed, 23 Jan 2002 10:59:57 -0800
From: Jeff Evarts <jde@nextgig.com>
X-Mailer: Mozilla 4.76 [en] (Windows NT
5.0; U)
X-Accept-Language: en
MIME-Version: 1.0
To: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

I would like to comment on the potential resolutions to the Microsoft situation.

I am familiar with the marketing practices of Microsoft, and believe that there are two reasonable ways to dispense with this monopoly:

(1) An open formats solution

(*) Force Microsoft to document (openly, or for a reasonable fee) the complete input, output, and/or file formats of all its individually salable components. This would include, but not be limited to:

- (*) File formats such as .doc, .xls,
- (*) APIs such as their device driver API
- (*) Wire formats such as file sharing

protocols, etc.

Other companies do this, and the public is the better for it. Other companies do this and still make a profit.

Microsoft leverages the fact that their left hand and right hand are synchronized, and this yields a large part of its power to monopolize the desktop. If, for instance, they fully described the format of .doc files, and made sure that any file of that format was readable in Word, and that Word created files of only that format, then people could migrate to and from Microsoft products AS BEST SUITS THEM. This would allow market forces rather than monopoly forces to dominate.

(2) A vertical split of the company

(*) Force Microsoft to be vertically split at the OS and Office levels. Give the source code for Windows/NT, Windows/ME, Windows/2000 to three different companies, and allow no one to hold positions on more than one BoD, etc.

The competition between the three OS firms for the Office business, as well as vice versa, would (hopefully) yield more opportunities for the non-MS alternatives. I believe the first one is a far better solution than the second, but the second would be acceptable. The current proposed solutions are weak, in that they attempt to fix the problem with long-term enforcement, rather than changing the rules today so that the market solves the problem later. Microsoft's solution: giving lots of Software and Hardware to Schools, is laughable. It would increase their market share and mindshare without actually hurting the company or reshaping it in any significant way. I strongly urge that this opportunity to fix the monopolistic practices of

Microsoft be taken seriously, as subsequent attempts will be at a great disadvantage if this fails.

—Jeff

MTC-00033189

From: Franklin L. DeRemer
To: Ms. Renata Hesse
Date: 1/23/02 11:03am
Subject: Microsoft Settlement
Franklin L. DeRemer
8 South Circle Drive
Santa Cruz, CA 95060-1800
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely, Franklin L. DeRemer

MTC-00033190

From: Philip A. McHugh
To: Ms. Renata Hesse
Date: 1/23/02 11:03am
Subject: Microsoft Settlement
Philip A. McHugh
48 Chippendale Dr.
Mount Sinai, NY 11766
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Philip A. McHugh

MTC-00033191

From: Patrick Payne
To: Ms. Renata Hesse
Date: 1/23/02 11:04am
Subject: Microsoft Settlement
Patrick Payne
1064 Bardstown Road
Louisville, KY 40204
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely, Patrick Payne

MTC-00033192

From: Shirley Marsh
To: Ms. Renata Hesse
Date: 1/23/02 11:06am
Subject: Microsoft Settlement
Shirley Marsh
1773 Vassar Ave.,
Mountain View, CA 94043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute Competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Shirley S. Marsh

MTC-00033193

From: Shirley Marsh
To: Ms. Renata Hesse
Date: 1/23/02 11:11am
Subject: Microsoft Settlement
Shirley Marsh
1773 Vassar Ave.,
Mountain View, CA 94043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Shirley S. Marsh

MTC-00033194

From: Mary H. Polliard
To: Ms. Renata Hesse
Date: 1/23/02 11:20am
Subject: Microsoft Settlement
Mary H. Polliard
28900 Wight Rd.
Malibu, Ca 90265-4001

January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mary H. & Tom Polliard

MTC-00033195

From: Norval Nickerson
To: Ms. Renata Hesse
Date: 1/23/02 11:24am
Subject: Microsoft Settlement
Norval Nickerson
2035 Vista Cajon
Newport Beach, CA 92660-3911
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Norval E. Nickerson

MTC-00033196

From: Kenneth Clare
To: Ms. Renata Hesse
Date: 1/23/02 11:38am
Subject: Microsoft Settlement
Kenneth Clare
5239 Franceen Lane
Stockton, CA 95212
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Kenneth Clare

MTC-00033197

From: George Yablonsky
To: Ms. Renata Hesse
Date: 1/23/02 11:44am
Subject: Microsoft Settlement
George Yablonsky
2717 S. Poplar St.
Santa Ana, CA 92704
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

George Yablonsky

MTC-00033198

From: Cecilia Maisel
To: Ms. Renata Hesse
Date: 1/23/02 11:45am
Subject: Microsoft Settlement
Cecilia Maisel
364 Villa Oaks Ln.
Gahanna, OH 43230-6773
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Cecilia Maisel

MTC-00033199

From: Margaret Reichard
To: Ms. Renata Hesse
Date: 1/23/02 11:46am
Subject: Microsoft Settlement
Margaret Reichard
76 Seaview Ave.
Brick, NJ 08723-7220
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of

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Sincerely,
Margaret C. Reichard

MTC-00033200

From: Eric Thomas
To: U.S. Department of Justice
Date: 1/23/02 11:46am
Subject: Microsoft Settlement
U.S. Department of Justice,

Regarding the Proposed Final Judgment in United States v. Microsoft, I would like to express my concern that this proposed settlement is unacceptable in several key areas. Among them are the following:

1. Microsoft would be allowed to continue many anti-competitive practices aimed at preventing other vendors from including their products in OEM packages.

2. There is no way to enforce the judgment, other than more and more drawn-out legal proceeding.

I hope that the Department of Justice and the court will pay heed to the many voices pointing out the problems in this settlement and look for stronger remedies that will better serve the marketplace and the public interest.

Regards,
Eric Thomas
Leominster, MA
Eric Thomas—e.thomas@isti.com—http://www.isti.com
Tel: (978) 537-9049
Instrumental Software Technologies, Inc.
Systems Integration and Software Development Specialists

MTC-00033201

From: Warren W. Bestwick
To: Ms. Renata Hesse
Date: 1/23/02 11:50am
Subject: Microsoft Settlement
Warren W. Bestwick
233 No. State St.
Bellingham, WA 98225-5323
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Warren W. Bestwick

MTC-00033202

From: Lorin Meeder
To: Ms. Renata Hesse
Date: 1/23/02 11:53am
Subject: Microsoft Settlement
Lorin Meeder
301 Roan Creek Drive
Parachute, CO 81635
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Lorin S. Meeder

MTC-00033203

From: Russell Gardner
To: Ms. Renata Hesse
Date: 1/23/02 11:53am
Subject: Microsoft Settlement
Russell Gardner
500 E. Broward Blvd
Fort Lauderdale, FL 33394
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

R.M. Gardner

MTC-00033204

From: arne olsen
To: Ms. Renata Hesse
Date: 1/23/02 12:00pm
Subject: Microsoft Settlement
arne olsen
6035 verde trl.s.
boca raton, fl 33433
January 23, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
a.m.olsen

MTC-00033205

From: Frank Brunner
To: Ms. Renata Hesse
Date: 1/23/02 12:08pm
Subject: Microsoft Settlement
Frank Brunner
70 Blackhawk
Park Forest, IL 60466-2146
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
F.G. Brunner

MTC-00033206

From: James Stephens
To: Ms. Renata Hesse
Date: 1/23/02 12:09pm
Subject: Microsoft Settlement
James Stephens
3418 N. Susan Dr.
Decatur, IL 62526-1332
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

James E. Stephens

MTC-00033207

From: William Mason
To: Ms. Renata Hesse
Date: 1/23/02 12:22pm
Subject: Microsoft Settlement
William Mason
639 S Fremont Circle
Green Valley, AZ 85614
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William T Mason

MTC-00033208

From: Robert Koch
To: Ms. Renata Hesse
Date: 1/23/02 12:32pm
Subject: Microsoft Settlement
Robert Koch
621 Luther Road
Harrisburg, PA 17111-2057
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Robert M. Koch

MTC-00033209

From: Harvey and Charlene Knowles
To: Ms. Renata B. Heese
Date: 1/23/02 12:35pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been

unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Harvey and Charlene Knowles
7603—148th ST E
Puyallup, WA 98375—7019
CC:
Citizens for a Sound Economy

MTC-00033210

From: William Meigs
To: Ms. Renata Hesse
Date: 1/23/02 12:48pm
Subject: Microsoft Settlement
William Meigs
615 Jackson Heights
Danville, VA 24540-1051
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Competitors also benefit from the provision that frees up computer manufacturers to

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William R. Meigs

MTC-00033211

From: W. Robert Bloyer
To: Ms. Renata Hesse
Date: 1/23/02 12:51pm
Subject: Microsoft Settlement
W. Robert Bloyer
10901 Graystone Dr.
Hagerstown, MD 21740-7649
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
W. Robert Bloyer

MTC-00033212

From: Robert Curry
To: Ms. Renata Hesse
Date: 1/23/02 12:52pm
Subject: Microsoft Settlement
Robert Curry
5529 Tangelo Street
Leesberg, FL 34748-8997
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert C. Curry

MTC-00033213

From: Alice Palumbo
To: Ms. Renata Hesse
Date: 1/23/02 12:54pm
Subject: Microsoft Settlement
Alice Palumbo
15366 Sabre Dr.
Corpus Christi, TX 78418
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Alice Palumbo

MTC-00033214

From: Harold Hardison

To: Ms. Renata Hesse
Date: 1/23/02 12:58pm
Subject: Microsoft Settlement
Harold Hardison
2545 Jetport Rd
Kinston, NC 28504
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Sen. Harold Hardison

MTC-00033215

From: lbw@ginger.grouptel.net@inetgw
To: gov
Date: 1/23/02 12:59pm
Subject: Microsoft Settlement

I am against the proposed settlement of the DOJ suit against Microsoft. Although Microsoft claims that they have innovated, those of us more intimately aware of the truth are not fooled. In fact, they have squashed far more innovative competitors with the kind of illegal actions of which they have been found guilty. Even worse, they have lowered accepted standards of reliability greatly, with the result being tremendous loss of productivity internationally as their operating systems crash and are compromised by numerous viruses. Any settlement needs to prevent Microsoft from continuing on this path of anti-competitive behavior. The proposed settlement seems far too weak to accomplish this necessary goal.

Laura Wallace
Quality Assurance Engineer
3 Hilda Rd.
Bedford, MA 01730

MTC-00033216

From: Faye E. Gardner
To: Ms. Renata Hesse
Date: 1/23/02 1:07pm
Subject: Microsoft Settlement
Faye E. Gardner
10500 Academy, NE #334
Albuquerque, NM 87111
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Faye E. Gardner

MTC-00033217

From: Robert Montgomery
To: Ms. Renata Hesse
Date: 1/23/02 1:11pm
Subject: Microsoft Settlement
Robert Montgomery
W. Coronet Dr.
Sun City West, AZ 85375-5122
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and

resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert M. Montgomery

MTC-00033218

From: Robert Cooch
To: Ms. Renata Hesse
Date: 1/23/02 1:20pm
Subject: Microsoft Settlement
Robert Cooch
2701 Daleview
Ann Arbor, MI 48105
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

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Sincerely,
Robert A. Cooch

MTC-00033219

From: larry@euglug.net@inetgw
To: activism@euglug.net@inetgw
Date: 1/23/02 1:30pm
Subject: Microsoft Settlement

There are several issues that the proposed settlement needs to address, in order that Microsoft not walk away unpunished for their CRIMINAL behaviour.

1. Protecting Open Source

The proposed final settlement offer contains language intended to let Microsoft itself determine who is qualified to have access to the technical information intended to allow other operating systems to interoperate with Microsoft software. In point of fact, the language specifically claims their right to require that those party to interoperability information be businesses. This is clearly intended to discriminate against the MANY software projects that are run entirely as volunteer efforts. The court should require that any technical information that Microsoft is required to disclose must be available to the public, so that the public itself might act in redressing the harm created by Microsoft's illegal tactics.

2. Closed File Formats Are A tool of Monopoly One of the most insidious tactics used by Microsoft in the construction of their monopoly in business productivity and personal computing software is the creation of incompatible, undocumented file formats. In addition the tactic of making new versions of their software produce files that were incompatible with their old software led to their being in effect able to require users of their software to upgrade their systems on their schedule.

The fact that Microsoft's file formats were undocumented has meant that competitors were effectively locked out of providing equivalent services to consumers who had unwisely chosen to use Microsoft products and that those consumers were themselves harmed in that their property was held hostage to Microsoft's software and would need to be either abandoned or (at great expense) converted to some other format.

3. Security Needs Of Consumers and Appropriate Liability

A further issue that could be addressed by the court is Microsoft's liability for the millions of person-hours of time wasted in dealing with the inadequacies of their operating system and of their email products.

A clear statement by the court that consumers had at a minimum an implied warranty of functionality, including an expectation of data privacy in the form of mechanisms to prevent both Microsoft itself and others from altering, destroying or illicitly copying data without it's owners permission; would set a clear precedent that software is the same as any other class of product and should not be allowed to exempt itself from product liability through specious End User License Agreements. In that a product sold in exchange for value should meet a reasonable buyers expectations for functionality and safety.

MTC-00033220

From: Robert Noonan

To: Ms. Renata Hesse

Date: 1/23/02 1:35pm

Subject: Microsoft Settlement

Robert Noonan

112Massachusetts Rd

New Bern, NC 28562

January 23, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

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Sincerely,
Robert J Noonan

MTC-00033221

From: Irma Schneider
To: Ms. Renata Hesse
Date: 1/23/02 1:36pm
Subject: Microsoft Settlement
Irma Schneider
114 Fairfield Circle
Ventura, CA 93003-8850
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Irma A. Schneider

MTC-00033222

From: Glen W. Mabey
Date: 1/23/02 1:39pm
Subject: Microsoft Settlement

To whom it may concern: I would like to comment on the Proposed Final Judgment in the United States vs. Microsoft case.

My concern relates to the absence of requirements for Microsoft to disclose file formats used by its programs. This issue has been established as a part of the Applications Barrier to Entry in Findings of Fact paragraphs 20 and 39.

The pervasive use of Microsoft Office products has rendered their respective file formats as the de facto standard for normal office document interchange. However, since the format of these documents is unpublished, there is no reason to believe that this monopolistic situation will change any time in the near future.

Only a legally mandated disclosure of these file formats can hope to restore a competitive nature to this aspect of computing. Furthermore, I believe that given previous behavior by Microsoft, the following stipulation is also necessary: that any inaccuracy in the published specification for these file formats result in a punishment which is;

- *) severe,
- *) automatic, and
- *) that the consequences for doing so be also stipulated in the Final Judgment.

Respectfully submitted,
Glen Mabey

MTC-00033223

From: Jean Noonan
To: Ms. Renata Hesse
Date: 1/23/02 1:46pm
Subject: Microsoft Settlement
Jean Noonan
112 Massachusetts Rd
New Bern, NC 28562
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jean Noonan

MTC-00033224

From: johnoburghart
To: Attorney General John Ashcroft

Date: 1/23/02 1:49pm
Subject: Microsoft Settlement

The provisions of the agreement are tough, reasonable, fair to all parties involved, and go beyond the findings of the Court of Appeals ruling; however the settlement is not guaranteed until after the review ends and the District Court determines whether the terms are indeed in the public interest. John O Burghart

MTC-00033225

From: Alfred Bivens
To: Ms. Renata Hesse
Date: 1/23/02 1:51pm
Subject: Microsoft Settlement
Alfred Bivens
508 Meadows Drive S.
Richland, WA 99352-7731
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

A. H. Bivens, Major, USMC (Ret)

MTC-00033226

From: Carl Thomas
To: Ms. Renata Hesse
Date: 1/23/02 2:04pm
Subject: Microsoft Settlement
Carl Thomas
164 Kimberlea Road
Madison Heights, VA 24572-6131
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Carl E. Thomas

MTC-00033227

From: Chet Boreck
To: Ms. Renata Hesse
Date: 1/23/02 2:07pm
Subject: Microsoft Settlement
Chet Boreck
3 Wales Court
Forked River, NJ 08731
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Chet Boreck

MTC-00033228

From: jonpi
To: alta@alta-research.com@inetgw
Date: 1/23/02 2:16pm
Subject: Re: [lug] Microsoft Settlement
alta wrote:
Department of Justice:

During my 25-year span as a computer professional, I have watched Microsoft grow. I continue to be appalled that Microsoft has been able to sell unreliable, defective products using the following practices:

- Advertising non-existent products to kill legitimate competition.
- Buying companies in order to kill them
- Forcing large distributors to install Microsoft, only.
- Covering defective product internals with glitter and gold.
- Licenses that give them immunity to damage from defective products.
- Large campaign contributions to buy protection from government.

The result has been:

- Many innovative companies have been destroyed.
- The world-dominant operating system (Windows) is defective,

- Users have come to expect that software crashes are normal.
- Due to licensing practices allowed in our (and other) countries,
- Microsoft is the only business of its size that is unaccountable
- for damages due to defects in its products.
- Windows is a serious threat to national security and to businesses.
- Now under investigation, they STILL continue these practices.
- Even the US government seems unable to touch this monopoly.

I ask that you do what needs to be done with Microsoft. Please protect our national security, and give technological users and innovators a chance.

I started to write to the DOJ and ended up getting too angry to form sentences what you are seeing is your dept of justice about to do injustice...so it goes you can't fight city hall but you can be sure none of your assets go to mr big bad scared little boy billy boy gates in times of justice he would go down in a hail of bullets, forget pies yes...let's watch our DOJ at work in the mean time...sell all your redhat stock and buy kmart stock...before monday and, ponder why peak is not just dialup...JUST!!!

jonpi
CC:Microsoft ATR

MTC-00033229

From: Carl Thornton
To: Ms. Renata Hesse
Date: 1/23/02 2:28pm
Subject: Microsoft Settlement
Carl Thornton
2357 Caminito Afuera
San Diego, Ca 92107-1512
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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—Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Carl F Thornton

MTC-00033230

From: Howard Rathlesberger
To: Ms. Renata Hesse
Date: 1/23/02 2:35pm
Subject: Microsoft Settlement
Howard Rathlesberger
230 Ridgeway Road
Woodside, CA 94062
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Howard & Jean Rathlesberger

MTC-00033231

From: Arthur Beaman
To: Ms. Renata Hesse
Date: 1/23/02 2:40pm
Subject: Microsoft Settlement
Arthur Beaman
1673 Nottingham Dr.
Winter Park, FL 32792-2225
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than

\$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Wayne Beaman

MTC-00033232

From: Vance Mitchell
To: Ms. Renata Hesse
Date: 1/23/02 2:51pm
Subject: Microsoft Settlement

Vance Mitchell
1200 Polnell Shore Drive E.
Oak Harbor, WA 98277

January 23, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Vance F. Mitchell

MTC-0003233

From: Irving Thorn
To: Ms. Renata Hesse
Date: 1/23/02 3:10pm
Subject: Microsoft Settlement
Irving Thorn
1709 Pegasus Ave.
Rio Rancho, NM 87124-2919
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Irving Thorn

MTC-0003234

From: Everett DeJager
To: Ms. Renata Hesse
Date: 1/23/02 3:21pm
Subject: Microsoft Settlement
Everett DeJager
8622 Plainfield Lane
Cincinnati, OH 45236-1704
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Everett DeJager

MTC-0003235

From: Anna Mae Frahm
To: Ms. Renata Hesse
Date: 1/23/02 3:26pm
Subject: Microsoft Settlement
Anna Mae Frahm
22946 594 Ave
Mankato, MN 56001-8525
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Anna Mae Frahm

MTC-00033236

From: Diane Williams
To: Ms. Renata Hesse
Date: 1/23/02 3:31pm
Subject: Microsoft Settlement
Diane Williams
3742 W. South Blvd
Rochester Hills, MI 48309-3975
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

John and Diane Williams

MTC-00033237

From: Rosemary Daleo
To: Ms. Renata Hesse
Date: 1/23/02 3:34pm
Subject: Microsoft Settlement
Rosemary Daleo
1410 N. 13th Ave.
MELROSE PARK, IL 60160
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Rosemary Daleo & Paula Daleo

MTC-00033238

From: Orval D Grieser
To: Ms. Renata Hesse
Date: 1/23/02 3:34pm

Subject: Microsoft Settlement
Orval D Grieser
116 Quail Run
Archbold, Oh 43502
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Orval D. Grieser

MTC-00033239

From: Patricia Thompson
To: Ms. Renata Hesse
Date: 1/23/02 3:36pm
Subject: Microsoft Settlement
Patricia Thompson
6205 Hancock
Rowlett, tx 75088
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Patricia Thompson

MTC-00033240

From: Kathryn Bell
To: Ms. Renata Hesse
Date: 1/23/02 3:38pm
Subject: Microsoft Settlement
Kathryn Bell
4326 Gum Branch Road
Jacksonville, NC 28540-9118
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Kathryn Bell

MTC-00033242

From: Steve Hensley
To: Ms. Renata B. Heese
Date: 1/23/02 3:54pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steve Hensley
3615 Garrett Road
Durham, NC 27707-2444
CC: Citizens for a Sound Economy

MTC-00033243

From: Walter Rittwage
To: Ms. Renata Hesse
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement
Walter Rittwage
73 Hullcrest Road
Shelburne, VT 05482
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after

purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Walter G Rittwage

MTC-00033244

From: Michael Patterson
To: Ms. Renata Hesse
Date: 1/23/02 4:18pm
Subject: Microsoft Settlement
Michael Patterson
9904 NE 124th St. #1006
Kirkland, WA 98034 January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Michael Patterson

MTC-00033245

From: Herman Pusin
To: Ms. Renata Hesse
Date: 1/23/02 4:27pm
Subject: Microsoft Settlement
Herman Pusin
830 West 40 St. Apt. 855
Baltimore, MD 21211
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Herman Pusin

MTC-00033246

From: Sidney Miller
To: Ms. Renata Hesse
Date: 1/23/02 4:37pm
Subject: Microsoft Settlement
Sidney Miller
9217 Nile Dr
New Port Richey, FL 34655-1609
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Sidney T Miller

MTC-00033247

From: empty
To: Tunney Act
Date: 1/23/02 4:48pm
Subject: Microsoft Settlement

I oppose the proposed Microsoft anti-trust settlement.

Mark Ball

MTC-00033248

From: jgillis@architetto.com@inetgw
Date: 1/23/02 4:57pm
Subject: MIME-Version: 1.0
MIME-Version: 1.0
X-Mailer: Smartcode ObjectSet 1.0
From: John Gillis <jgillis@architetto.com>
Subject: microsoft settlement
Date: Wed, 23 Jan 2002 19:55:00
Organization: John Gillis/Architects
To: microsoft.atr@usdoj.gov
Content-Type: multipart/mixed;
boundary="=PMail:=—0002

@@PDWk9CkPIN4OIECsfx6U"
 Message-ID: <GQF3ZD03.DY6@
 wdcsun021.usdoj.gov>
 --PMail:--0002@
 @PDWk9CkPIN4OIECsfx6U
 Content-Type: text/plain
 Content-Transfer-Encoding: quoted-printable
 Renata B. Hesse
 Antitrust Division
 U.S. Department of Justice
 601 D Street NW
 Suite 1200
 Washington, DC 20530-0001 =

Dear District Court Judge:
 My comment on the Microsoft settlement is that Microsoft should be left alone. = T he antitrust case should never have been brought against the company. The idea that Microsoft is a monopoly is not only false, but my own persona= l experience adds additional proof.

None of the systems in our office use Microsoft products, so how can it be that Microsoft is a coercive monopoly. How come they haven't coerced our company?

Nonetheless millions of people have freely chosen to use Windows and other Microsoft products. It is shameful that the government has gone after this innovative company.

Sincerely,
 John Gillis/Architects
 41 East 11th Street
 New York, NY 10003
 212 254 5010
 212 777 9224 fax
 jgillis@architetto.com --PMail:--
 0002@@PDWk9CkPIN4OIECsfx6U--

MTC-00033249

From: William Kent
 To: Ms. Renata Hesse
 Date: 1/23/02 5:39pm
 Subject: Microsoft Settlement
 William Kent
 367 E 600 S
 Monroe, UT 84754
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 William Kent

MTC-00033250

From: Harold Keebler
 To: Ms. Renata Hesse
 Date: 1/23/02 5:50pm
 Subject: Microsoft Settlement
 Harold Keebler
 76838 Abby Ct
 Palm Desert, Ca 92211-7102
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and

resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Harold M. Keebler

MTC-00033251

From: Jeannine Kocsis
 To: Ms. Renata Hesse
 Date: 1/23/02 5:53pm
 Subject: Microsoft Settlement
 Jeannine Kocsis
 102 Deerfield Ave
 Port Charlotte, FL 33952
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jeannine M. Kocsis

MTC-00033252

From: Michael A. Teutsch

To: Ms. Renata Hesse

Date: 1/23/02 6:10pm

Subject: Microsoft Settlement

Michael A. Teutsch

822 Alamy Dr.

Campbell, Oh 44405-2002

January 23, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

Please be advised that as a taxpayer and consumer I support the Microsoft Settlement and hopefully a prompt court acceptance to prevent lengthy litigation that could cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

It will be a great benefit to the American people, the Department of Justice (DOJ) and the settling states to avoid additional costs and be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, and the taxpayers deserve the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted at great cost to all Americans.

Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Michael A. Teutsch

MTC-00033253

From: CHARLES Lee

To: Ms. Renata Hesse

Date: 1/23/02 6:27pm

Subject: Microsoft Settlement

CHARLES Lee

601 N 4th St

Mascoutah, IL 62258-1205

January 23, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charles Lee

MTC-00033254

From: John Culver
To: Ms. Renata Hesse
Date: 1/23/02 6:31pm
Subject: Microsoft Settlement
John Culver
19 Hammersmith Dr
Saugus, MA 01906-4170
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John Culver

MTC-00033255

From: Francis Bagbey
To: Ms. Renata Hesse
Date: 1/23/02 6:41pm
Subject: Microsoft Settlement
Francis Bagbey
103 Green Park Lane
Cary, NC 27511
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Francis C. Bagbey

MTC-00033256

From: Jim & Louise Georgen
To: Ms. Renata Hesse
Date: 1/23/02 6:43pm
Subject: Microsoft Settlement
Jim & Louise Georgen
7308 sw 35th Avenue
Portland, or 97219-1745
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jim & Louise Georgen

MTC-00033257

From: Joe Sunthimer
 To: Ms. Renata Hesse
 Date: 1/23/02 7:04pm
 Subject: Microsoft Settlement
 Joe Sunthimer
 RR4 Box 207
 Nevada, MO 64772-9234
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

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Sincerely,

Joe Sunthimer

MTC-00033258

From: Lon Wells

To: Ms. Renata Hesse
 Date: 1/23/02 7:15pm
 Subject: Microsoft Settlement
 Lon Wells
 28126 Peacock Ridge Dr. #105
 Rancho Palos Verdes, CA 90275
 January 23, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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Sincerely,
Lon Wells

MTC-00033259

From: Norman Brubaker
To: Ms. Renata Hesse
Date: 1/23/02 8:51pm
Subject: Microsoft Settlement
Norman Brubaker
233 Monroe Street
Bridgewater, NJ 08807-3043
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my sincere support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost USA taxpayers more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Probably the greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: like the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Norman H. Brubaker

MTC-00033260

From: Tom Kulaga
To: MS ATR
Date: 1/23/02 8:59pm
Subject: Microsoft Settlement

I am entirely against the current settlement proposal. Calling it a slap on the wrist would be overstating the case, and if the Court believes Microsoft is in violation of any anti-trust statutes, the Court is honor-bound to determine whether the proposed settlement offers anything remotely close to a remedy.

The current settlement does nothing of the kind. Microsoft should be separated into an Operating System division and a Software and Applications division. They should be entirely separate entities, with no sharing in any area, especially sales and marketing. Leaving them intact is akin to allowing Ford Motor Company to control the Department of Transportation, giving them the option of changing the rules of the road to accept only the cars they build, leaving other auto companies to go broke following a target they'll never hit.

So long as Microsoft's sales and marketing people can dictate a combined product strategy for Operating Systems and Applications, the Internet Explorer/Netscape issue will continue to happen, with only the victims changing names.

Regards,
Tom Kulaga

MTC-00033261

From: Richard Conway
To: Ms. Renata Hesse
Date: 1/23/02 9:11pm
Subject: Microsoft Settlement
Richard Conway
88715 Potter Ln.
Springfield, OR 97478-9616
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Richard L. Conway

MTC-00033262

From: Michael Stanzel
To: Ms. Renata B. Heese
Date: 1/23/02 9:14pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust

lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael Stanzel
2510 96th Ave Ct E
Edgewood, WA 98371-2172
CC: Citizens for a Sound Economy

MTC-00033263

From: Paul Roebuck
To: USDJ
Date: 1/23/02 9:42pm
Subject: Microsoft Settlement

What a pathetic crock of shit. Two years of legal proceedings for this? This has been a complete waste of time and money on everyone's part if nothing was really intended to be done about antitrust abuse.

'Tis indeed a sad day that the US government lays down before MS. Yet another slap on the wrist that will be ignored. Unfortunate for Netscape and all the others before it that essentially nothing will be done.

Should have stuck with the breakup decision... if MS Office was available on alternative platforms (like Linux), Windows would have to stand on its own merits. Then users could choose office software separately from OS software. It would also prevent any more of this application/OS blending since the application could not be made cross-platform.

Out of the 10Base-T, through the router, down the T1, over the leased line, off the bridge, past the firewall... nothing but Net.

MTC-00033264

From: Roman Peisinger
To: Ms. Renata Hesse
Date: 1/23/02 9:43pm
Subject: Microsoft Settlement
Roman Peisinger
1 Towers Park Lane #915

San Antoniol, TX 78209-6435
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Roman J. Peisinger

MTC-00033265

From: Robert Lloyd
To: Ms. Renata Hesse
Date: 1/23/02 10:17pm
Subject: Microsoft Settlement
Robert Lloyd
6314 Allott
Van Nuys, ca 91401
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I support the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost more than \$35 million. Enough is enough.

The parties worked very hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now. The terms of the settlement are fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. This settlement is in the public interest. I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert Lloyd

MTC-00033266

From: J(038)B Seybold
To: Microsoft ATR
Date: 1/23/02 11:50pm
Subject: Microsoft Settlement

While the proposed settlement appears to meet the defined goals, I am very concerned that the definition of "Microsoft Middleware Product" in the "REVISED PROPOSED FINAL JUDGMENT" is far too narrow and restrictive. Specifically, in "Section IV, Definitions", paragraph K.2.b.i, the definition states "...is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by Microsoft (or by an entity acquired by Microsoft) from a Windows Operating System Product..."

This definition appears to exclude functionality which was based directly upon or substantially identical in function to the a previous commercial product, but where said functionality was modified by Microsoft. This is a major exclusion, because it is very rare in commercial software for unchanged software to be published for two consecutive years. It is common practice for Microsoft to modify software, either by reducing functionality, or by adding functionality, when incorporating the functionality of previously commercial software. Under the provisions of the proposed definition, similar but distinctly different functionality would exclude such modified software from the Microsoft Middleware Product definition.

Microsoft could therefore make small or even trivial changes in software that would otherwise be clearly defined as Microsoft Middle Product, and thereby claim that it was exempt from the provisions of this judgment.

Further, the definition of "Microsoft Middleware Product" in the "REVISED PROPOSED FINAL JUDGMENT" carefully excludes new software functionality developed by Microsoft and included as Microsoft Middleware or as part of the Windows operating system, with the intent of competing directly with commercially available software to reduce competition. The pattern shown in the development and release of Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, and Outlook Express is now being repeated in many other areas. For example, the capabilities of Microsoft Backup has been extended to include the file backup functionality provided by NovaStor Corporation's NovaDisk, or Veritas Corporation's Backup Exec. Since NovaStor and Veritas have not been acquired by Microsoft, Microsoft Backup does not meet the definition of a Microsoft Middleware Product.

Therefore, I suggest that the Proposed Final Judgment does not provide the necessary restrictions to preclude continued anticompetitive conduct by Microsoft to unlawfully protect and maintain its operating system monopoly in violation of Section 2 of the Sherman Act. I suggest that Specifically, in "Section IV, Definitions", paragraph K.2.b.i, be modified to state "i. is, or in the year preceding the commercial release of any new Windows Operating System Product was, distributed separately by from a Windows Operating System Product,"

thank you for your consideration
John B. Seybold

MTC-00033267

From: Fabretti, Ron C
To: "Ms. Renatta Hesse"
Date: 1/24/02 3:39am
Subject: Microsoft Settlement

Dear Ms. Renatta Hesse,

Ill conceived and misdirected is how I view the antitrust suit against Microsoft. The attack against Microsoft is an attack against the freedom to pursue a private business enterprise in an open market. Credit for the attack goes to the many bureaucratic socialists, collectivists, or worse, of the last administration. Microsoft's business success results in compounding new opportunities and unseen business dynamics. They should be blamed? Where were the plaintiffs when Microsoft began? Microsoft could have been purchased by any number of industry giants during Microsoft's humble beginnings. Now, after Microsoft succeeds in a market that no one foresaw, they are at fault? No matter what they do to grow their business, outside of physical harm to humanity, they should be free to pursue the business of providing a service for a price. No fair stepping in after the fact and changing the rules, something socialists and collectivists do to be involved, for the supposed good of mankind, when "free" welfare is what they really dream of. Bill Gates worked long and hard for many

years and had no idea 20 years ago his company would be where it is today. He should run it as he sees fit without interference from any entity. And 20 years is insignificant compared to the millions supposedly before us or hopefully after us. By the way, I'd guess Bill Gates does plenty, out of his own pocket, to pursue the health and welfare of mankind in general.

Respectfully yours,
Ronald Fabretti
1205 Hon Falls 5 Pts Rd
Honeoye Falls, NY 14472

MTC-00033268

From: g0dsmak@wi.rr.com@inetgw
Date: 1/24/02 5:09am
Subject: just putting in my \$.02:
just putting in my \$.02:

Integrating Internet explorer wiht windows *should* have sent up red flags. you cant swing a webpage in widows without using Internet explorer. you cant even uninstall it (it installs automatically on win98 and above) without considerable knowledge.

how can one expect a person who doesnt know much about computers to run netscape if they choose (or any other browser for that matter) microsoft should be broken up into smaller companies. and have to compete. microsoft makes games that can only be played on microsoft platforms. that should be one company browsers should be de-integrated and installed by choice. browser should be a different company.

and the Operating system should be built alone. another company.

this would encourage better programming on the part of microsoft making for a better product for the consumer. and more jobs on the market. (from competeing companies and MS itself)

again just my \$.02
Andy Nelson
Certified computer nerd!

MTC-00033269

From: Joe Scoglio
To: Ms. Renata Hesse
Date: 1/24/02 5:17am
Subject: Microsoft Settlement
Joe Scoglio
573 Shirley St
Winthrop, MA 02152
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Joe Scoglio

MTC-00033270

From: Jim Denison
To: ASKDOJ
Date: 1/24/02 5:57am
Subject: Microsoft Settlement
12824 Midway Road #1140
Dallas, Texas 75244
January 24, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am writing today to express my strong sentiments on the Microsoft anti-trust dispute. I support Microsoft in this, and I feel the settlement reached on November 6, 2001,

is fair and reasonable. I am happy to see that this dispute has been resolved.

I believe that Microsoft has had a positive impact on the technology industry and the economy. Microsoft has made it easier for the average consumer to conduct business. I believe the technology revolution that we have experienced in the last decade would not have been possible without contributions from Microsoft.

I feel this settlement will serve in the best interest of the public. Thank you for your support.

Sincerely,
Jim Denison
CC:Microsoft ATR

MTC-00033271

From: Thomas Huvane
To: Ms. Renata Hesse
Date: 1/24/02 6:06am
Subject: Microsoft Settlement
Thomas Huvane
46 Bradley Road
Scarsdale, NY 10583
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Thomas A. Huvane

MTC-00033272

From: marek@mcmaster.cis.mcmaster.ca@inetgw
To: dept. of justice
Date: 1/24/02 6:31am
Subject: Microsoft settlement
Original Message
Subject: Open file formats
Date: Thu, 17 Jan 2002 12:21:52 -0500
From: Marek Kiela
<kielam@mcmaster.ca>
To: "dept. of justice"
<microsoft.atr@usdoj.gov>

I would like to comment on the Microsoft case.

There should be a push towards opening Microsoft file formats (ea.. Word, Excel) if government doesn't want to find itself in a position where Bill Gates will dictate when and what software to use and how much to put in his coffers.

It only make sense that user should be able to use any word processor to open a document, or any spreadsheet program to open a spreadsheet and so on.

You do not have to break company apart to force competition. Just insist that in order to get government software contracts, it has to be open file format.

Regards
Marek Kiela
kielam@mcmaster.ca
Canada

MTC-00033273

From: Beth Jelinski
To: Department of Justice
Date: 1/24/02 6:34am
Subject: Microsoft Settlement
To whom it may concern:

I am sick and tired of the jealousy and pettiness of this lawsuit against Microsoft. The consumers who are supposedly hurt are not being helped by the lawsuit. It seems to me it is socialism in action. "Everyone should be equal; no one can show up anyone

else by their excellence in product production or shrewdness in marketing" etc. etc. It is like unto those who take all the fun out of Little League competition by giving EVERYONE a meaningless trophy. The lawsuit against

Microsoft, in a childish way, send the message "You can't win. There can be no winners. If there are winners, they will be coerced to share their winnings with the loser who puts up the biggest fuss." I say, let the losers,

Netscape in this case, find a better way to EXCEL; and then they won't be crying about Microsoft's success, but touting their own.

I dare say if that happened they would be very chagrined and reluctant to hand over their newly acquired profits to Microsoft.

Let us rather put an end to this government favoritism and let capitalism thrive producing better products for us all. Competition and freedom are what have driven all of our great accomplishments. We all suffer when slavery is enforced.

Sincerely,
Beth Jelinski
166 State Street
Bloomfield, NJ 07003

MTC-00033274

From: Anne Gille
To: Ms. Renata Hesse
Date: 1/24/02 6:37am
Subject: Microsoft Settlement
Anne Gille
810 Shady Way
Arlington Hts., IL 60005
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's

programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Anne M. Gille

MTC-00033275

From: Gail Rollin
To: Ms. Renata Hesse
Date: 1/24/02 6:40am
Subject: Microsoft Settlement
Gail Rollin
303 Jenny's Cove Road
Cleveland, GA 30528
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Gail Rollin

MTC-00033276

From: ROBERT MAXWELL
To: Ms. Renata Hesse
Date: 1/24/02 6:48am
Subject: Microsoft Settlement
ROBERT MAXWELL
974 QUESTA E.
VENICE, FL 34292
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
ROBERT J. MAXWELL

MTC-00033277

From: Perry Sowell
To: Ms. Renata Hesse
Date: 1/24/02 6:54am
Subject: Microsoft Settlement
perry sowell
340tate
senatobia, ms 38668

January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 perry sowell

MTC-00033278

From: Daren Wade
 To: Ms. Renata Hesse
 Date: 1/24/02 6:57am
 Subject: Microsoft Settlement
 Daren Wade
 312 SE Colony Dr
 Lee's Summit, MO 64063-3209
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
 Daren Wade

MTC-00033279

From: J—Cramer@msn.com@inetgw
 To: Microsoft ATR
 Date: 1/24/02 6:58am
 Subject: Microsoft Settlement
 Ms. Renata B. Hesse, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530-0001
 Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
 Sincerely,
 Jim Cramer
 100 Farmers Bank Square
 suite 230
 Georgetown, KY 40324

MTC-00033280

From: Bill Rinker
 To: U.S. Dept. Justice
 Date: 1/24/02 7:04am
 Subject: Microsoft Settlement

The AOL Time Warner/Netscape should not be considered and consequently thrown out of court. I see no evidence that Microsoft has interfered illegally with the distribution of the Netscape Browser. Don't be pressured into litigation from the big AOL Time Warner complex. It's sour grapes because they cannot keep up with their Microsoft competition. These kinds of litigation will eventually stifle innovation & ideas. Why should Microsoft suffer when they have the best browser called Microsoft Internet Explorer? Why should Companies share their ideas with competition?

Bill Rinker
 P.O. Box 333
 Moran, Wyoming 83013

MTC-00033281

From: grace gault
 To: Ms. Renata Hesse
 Date: 1/24/02 7:20am
 Subject: Microsoft Settlement
 grace gault
 2354 wilderness hill
 san antonio, tx 78231-1826
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
 Grace Gault & Aggie Ussery

MTC-00033282

From: newman
 To: DOJ
 Date: 1/24/02 7:23am
 Subject: Microsoft Settlement

Dear DOJ:

I believe that the proposed Microsoft settlement is fair and that a speedie resolution to this matter is in the best interest of the public.

James B. Newman

MTC-00033283

From: Herbert Ziff
 To: Ms. Renata Hesse
 Date: 1/24/02 7:24am
 Subject: Microsoft Settlement
 Herbert Ziff
 661 Wall St.
 Elmira, NY 14905-1423
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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Sincerely,
 Herbert M. Ziff

MTC-00033284

From: Jerry Friesen
 To: Ms. Renata Hesse
 Date: 1/24/02 8:02am
 Subject: Microsoft Settlement
 Jerry Friesen
 1006 E. Harding Drive
 Appleton, WI 54915
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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Sincerely,

Mr. & Mrs. Gerald Friesen

MTC-00033285

From: r—norton@lycos.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:16am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now.

Thank you.
Sincerely,
Randy Norton
877 Valley Chapel Road
Walla Walla, WA 99362

MTC-00033286

From: RROBERT KINNEY
To: Ms. Renata Hesse
Date: 1/24/02 8:24am
Subject: Microsoft Settlement
2 THORNWOOD CT
SETAUKET, NY 11733-1823
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
ROBERT KINNEY

MTC-00033287

From: Stephen Starliper
To: Ms. Renata Hesse
Date: 1/24/02 8:27am
Subject: Microsoft Settlement
Stephen Starliper
12300 Amberset Dr
Knoxville, Tn 37922
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Regards,
Stephen L. Starlipier

MTC-00033288

From: D.V. KLIER
To: Ms. Renata Hesse
Date: 1/24/02 8:30am
Subject: Microsoft Settlement
D.V. KLIER
5901 W MARGINAL WAY SW
SEATTLE, WA 98106
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

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Sincerely,
D.V. KLIER

MTC-00033289

From: Lionel C. Abrahams
To: Renata Hesse
Date: 1/24/02 8:38am
Subject: Microsoft Settlement

I do not agree with the proposed settlement. It appears that Microsoft has again done a run around the government, and getting away with this crime.

Microsoft is still continuing their high pressure tactics to eliminate the competition and by helping other third parties to do their biddings for them.

No later than last month, my broadband ISP changed from @home.net to @charter.net. They supplied me with a CD and a Web site to "automate" this process. For a PC user, this would have AUTOMATICALLY installed Microsoft IE, disregarding the fact that I use Netscape. It also would have me automatically register on Microsoft .NET service, to change my email address!

I had to call Charter support, and forcefully request the non MicroSoft procedure. Only when I asked them for the requirements that I have to have Windows installed, only then did they give me the non MS URL to change my email, never needing to install, nor use the MS supplied software to switch.

This is just MY example on how MicroSoft is still "dealing under the table" to continue their unlawful monopolistic tactics.

Lionel C. Abrahams
...Mailed to you by PMMail/2 2.20.2370
running eCS—PRO 1.01 (OS/2 Warp 4.51)
:-)

MTC-00033290

From: Charles W. Arnold
To: Ms. Renata Hesse
Date: 1/24/02 8:43am
Subject: Microsoft Settlement
Charles W. Arnold
537 Borris Rd.
Furlong, PA 18925
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Charles W. Arnold

MTC-00033291

From: Michael Fletcher
To: Ms. Renata Hesse
Date: 1/24/02 8:46am
Subject: Microsoft Settlement
Michael Fletcher
5395 Underwood Ave.
Baton Rouge, La 70805
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

PLEASE END THIS LAWSUIT! I DO NOT WANT MY MONEY SPENT IN THIS WAY AS I DO NOT FEEL THAT THE PLAINTIFFS IN THIS SUIT HAVE BEEN HARMED. NETSCAPE MADE A WONDERFUL DEAL WITH AOL AND HAS MOVED ON. AT THE TIME OF THE "INJUSTICE" I HAD BOTH NETSCAPE AND MICROSOFT'S BROWSERS ON MY COMPUTER AND USED BOTH.

IF YOU CONTINUE THIS SUIT, IT WILL ONLY SEND A MESSAGE TO NEW BUSINESS THAT IF THEY CAN'T MAKE IT IN THE MARKET, THEY WILL BE ABLE TO SUE IN COURT AND LET THE GOVERNMENT LEVEL THE PLAYING FIELD FOR THEM. THIS WILL ONLY STIFLE GROWING BUSINESSES AND SEND THE MESSAGE THAT IF YOU GET TOO LARGE, BIG BROTHER IS GOING TO SUE YOU, OR IF YOU GET REALLY TOO SUCCESSFUL - IT WILL PUT YOU OUT OF WORK. THIS IS NOT THE MESSAGE WE NEED TO BE SENDING TO YOUNG PEOPLE WHO WISH TO START THEIR OWN COMPANY.

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Michael D. Fletcher

MTC-00033292

From: A. Slatin
To: Ms. Renata Hesse
Date: 1/24/02 8:49am
Subject: Microsoft Settlement
A. Slatin
8301 E. Sheridan st.
Scottsdale, Az 85257
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mr. and Mrs. A. Slatin

MTC-00033293

From: Virginia Legare
To: Ms. Renata Hesse
Date: 1/24/02 8:57am
Subject: Microsoft Settlement
Virginia Legare
255 Coconut Palm Rd.
Vero Beach, Fl 32963

January 24, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit thererevised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Virginia Legare

MTC-00033294

From: Marjorie McGee
To: Ms. Renata Hesse
Date: 1/24/02 9:12am
Subject: Microsoft Settlement
Marjorie McGee
14515 Granite Vly Dr #C625
Sun City West, AZ 85375
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
John and Marge McGee

MTC-00033295

From: William D. Jemison
To: Ms. Renata Hesse
Date: 1/24/02 9:15am
Subject: Microsoft Settlement
William D. Jemison
1460 Eastridge
Memphis, TN 38120
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
W.D. Jemison Jr.

MTC-00033296

From: Ed Lowry
To: USDOJ Antitrust Div
Date: 1/24/02 9:15am
Subject: Microsoft Settlement
From: Edward S. Lowry
7 Alder Way
Bedford Mass 01730
781 276-4098
eslowry@alum.mit.edu
http://www.ultranet.com/eslowry
January 24, 2002
To: Hon. Colleen Kollar-Kotely
United States District Court for the District of Columbia
333 Constitution Avenue NW
Washington DC 20001
cc: U.S. Department of Justice, Antitrust Division
Subject: Microsoft settlement, blunt their complexity weapon

Dear Justice Kollar-Kotely: Over 30 years of anticompetitive behavior in the software industry have been far more destructive than the proceedings in the Microsoft case have suggested. Microsoft's abuse of its competitors is a minor part of larger destructive effects.

The designers of antitrust legislation probably never contemplated an industry where market competition could be so easily thwarted. The large inherent complexity of software makes changing vendors difficult. This creates a business incentive for all vendors to make software more complex than it needs to be. Competition is further weakened by incentives for vendors and others to claim they are trying to simplify while actually pursuing contrary policies, thus discouraging real efforts at large scale simplification. It is further weakened by the existence of so many people with prestige or profit incentives to complicate other peoples' lives. I have decades of experience working on simplification and

observing deliberate obstruction of large scale simplification by prestigious organizations. MY EXPERIENCE HAS BEEN CONSISTENT WITH THE VIEW THAT HIDING THE TRUTH ABOUT THE POTENTIAL FOR SIMPLIFICATION HAS BEEN A HIGH PRIORITY AMONG SOFTWARE LEADERS FOR DECADES.

This pattern makes correcting for past and prospective anticompetitive behavior in software both difficult and necessary. Your authority to protect the public interest is now precious to society at large. I recommend that you take no action which limits the exercise of your authority until remedies which you set in motion have been demonstrated to be effective. I also recommend that your attention focus largely on reducing the effectiveness of needless complexity as a tool to thwart competition.

The consumer need for simplicity in computing has always been huge and obvious. Millions of people every day bear enormous burdens of needless complexity which are a direct result of disregard for the public interest by the software industry.

THERE ARE ONLY A FEW DOZEN PEOPLE ANYWHERE WHO HAVE USED PROGRAMMING LANGUAGE SEMANTICS FOR NON-TRIVIAL APPLICATIONS AS ADVANCED IN ALLOWING FOR SIMPLICITY OF EXPRESSION AS WHAT IBM DESIGNED OVER 25 YEARS AGO. The gross failure of marketplace competition to provide incentives to make reasonable simplifications is a matter of demonstrable fact. In part to provide some confirmation of the 25 year delay, I asked U.S. Senator John Kerry to make an inquiry related to these issues. The main question is whether anyone working in the Federal Government has experience using software technology which allows for simplicity as advanced as what was designed over 25 years ago. He initiated that inquiry in December 2000 and hasn't reported finding anyone yet. The lack of such experience among technical advisors can be demonstrated fairly easily using the attached programming examples. Failure to take first steps in simplifying software has blocked a series of potential simplifications.

Results of decades of deliberate anticompetitive resistance to large scale simplification in software include:—deficient math and science education due to failure to express precise information precisely.
—a flood of needless and burdensome complexity going into schools as educational technology.
—users entangled in proprietary complexity for decades.
—massive degradation of the quality of technical information: accessibility, usability, clarity, interoperability, ductility.
—a probable contributing factor to crash of KA801 in Guam, August 1997, 226 dead.
—a possible contributing factor to 20% of US casualties in the Gulf War.
—failure of the FAA to upgrade its air traffic safety systems.
—massive government waste such as the IRS modernization effort.
—mismatch between employment skills needed and those available.

—major “innovations” are “square wheel” unreasonable.

—political leaders dependent on technical advisors who are over 25 years behind the leading edge on simplicity issues.
—burdensome technological instability.
—illusions of progress and illusions of effort to make progress.

—large learning loads for skills of ephemeral value. Several hundred feet of bookshelf space (e.g. at Barnes and Noble) to tell people how to tell their computers what they want.
—massive vulnerability to computer viruses.

For decades there has been almost nothing standing between the public and this kind of abuse. At present there is almost nothing to prevent still more decades of the same. Remedies appropriate to the scale of past damage and the prospect of future damage are needed. That requires assessing the scale of the damage and I doubt there has been any realistic effort to do so. A great deal depends on your response. It doubt that Microsoft will agree to anything potent enough to correct for this overall pattern.

The most serious damage of anticompetitive behavior in software has probably been to obstruct improvement in technical education. On a massive scale, educators teach how to arrange pieces of information. However, by failing to understand simplification, they have almost no idea what is a reasonable structure for pieces of information. One result is a failure to express precise information in precise ways, and that imposes a large needless burden on students. Imagine cities where the architects and builders had never seen a reasonably shaped brick. Both technical education and software technology are mired in a comparable state of reasonableness today.

For over 30 years I have been working to clarify how to make software and other technical description simple, mainly at IBM and Digital Equipment Corporation. I have observed a high level of confidence among software leaders that there would be no accountability for opposing large scale simplification. I can elaborate on all of the above from long experience.

The anticompetitive behavior has distorted antitrust proceedings by keeping participants in a state of technical ignorance. By accepting prevailing stunted understanding of simplicity in software from people who are demonstrably 25 years behind the leading edge, the Department of Justice has probably tended to see existing ongoing dependency relationships between vendors and users of software technology as largely the result of complexity which is inherent in the technology. That is unrealistic because so much of the complexity has been caused by deliberate actions by vendors. It would also appear that the potential for competitiveness is more limited than it actually is. Such views would have probably biased Department of Justice toward non-intervention and obscured the potential for judicial remedies.

The proposed settlement agreement itself looks like a hollow gesture resulting partly from poor technical understanding at DOJ. It focuses on assuring equitable access to the market for “middleware”. Middleware as defined amounts to software for executing

special purpose languages. The need for such software would be greatly altered and diminished if serious efforts to simplify were made. Accepting such an agreement would put the court in a position of depending on continued large scale anticompetitive behavior in the industry in order to place minor restraints on Microsoft.

The best available analysis of the fine structure of information supports the view that almost all computerized information is represented in ways that are unreasonable in much the same way that square wheels are unreasonable. No other field of technology has been afflicted by such perversity. No other community of technologists have been so oblivious about their most basic structures. The consequences have disastrously damaged information quality and disabled human minds. It has been largely unnoticed because people have no other experience. While that analysis [see "Toward Perfect Information Microstructures" on my web site] may be viewed as unverified, not even the beginnings of a technically sound alternative analysis exists. It includes easily understood reasons why simplification allows "middleware" or special purpose languages to be displaced by much more versatile general purpose language. Patents now owned by Compaq Corporation have helped to prevent corrective measures.

I hope that you will assess the effectiveness and destructiveness of the anticompetitive behavior. You could ask the parties to the case: who among them has working familiarity with software for simplicity as advanced as IBM developed over 25 years ago (using the test below). Noting the above paper arguing that the basic structures of software technology are now "square wheel" unreasonable, you could ask whether any can identify a sound presentation of an alternative technical view. In addition the intent should be assessed. To what extent has obliviousness to needless complexity been used as a concealed weapon against competitors? My story supports such intent.

I hope that you will be bold in developing remedies and prepared for some contention. Major social upheavals have sometimes accompanied simplifications in law and religion. Publicly asking embarrassing questions like the above could help a lot. Such questions have been passionately evaded for many years. Even a U.S. Senator has had difficulty eliciting answers.

Microsoft could be required to support large scale simplification in a variety of ways. They could be required to respond to or financially support challenges to understand simplification like the \$25K offer on my web site. Another approach would be to require that they incorporate a conceptually self-contained interface into Windows which provides broad capability with simplicity close to the best available understanding of how to do so. It could be aimed specifically at educational use, at least initially. Rolling back the unwelcome intrusion into education of mysteriousness and technological instability could be major achievable goals of such an effort. It could be partly defined in terms of avoiding damage to quality of user information. I can provide additional

supporting documents and other assistance. Let me know if I can help.

Yours respectfully
Ed Lowry

SHANNON Examples Compared with SEQUEL 2

To assist in validating a 25 year delay in improving simplicity of expression, and raising quality standards in future efforts, the following list of example expressions are provided. They indicate what degree of simplicity and clarity is achievable in a multi-purpose language and roughly what was known to be achievable in 1974 as recorded in: "PROSE Specification" by E. S. Lowry, IBM Poughkeepsie Laboratory Technical Report TR 00.2902. It was dated Nov 1977 but it was distributed within IBM in Dec 1974.

These examples are translated from the first 10 examples given for Sequel 2 (now SQL) in the IBM Journal of R&D, Nov 1976. For the first 10 expressions Sequel 2 (a specialized data base language) uses 130 tokens. Shannon (a multi-purpose language) uses 99 tokens. The original Sequel 2 code is omitted as irrelevant. The significant comparisons would be with C++, Java, Ada, Cobol, etc.

Expression 1.

English: Names of employees in Dept. 50
Shannon: name of employee of dept(50)

Expression 2.

Eng: All the different department numbers in the Employee table.

Shan: dept—no of employee condense

Expression 3.

Eng: Names of employees in Depts. 25, 47 and 53.

Shan: name of employee of every dept where 25 or 47 or 53

Expression 4.

Eng: Names of employees who work for departments in Evanston.

Shan: name of employee of dept of Evanston

Expression 5.

Eng: List the employee number, name and salary of employees in Dept. 50, in order of employee number.

Shan: for employee of dept(50) minfirst empno show(empno, name, salary)

Expression 6.

Eng: Average salary of clerks.

Shan: average (salary of clerk)

Expression 7.

Eng: Number of different jobs held by employees in Dept.50

Shan: count job of employee of dept(50) condense

Expression 8.

Eng: List all the departments and the average salary of each.

Shan: for dept show(it, average(salary of its employee))

Expression 9.

Eng: Those departments in which the average employee salary is less than 10,000.

Shan: dept where average(salary of its employee) < 10000

Expression 10.

Eng: The departments that employ more than ten clerks.

Shan: dept where count(its clerk > 10

MTC-00033297

From: John McGee
To: Ms. Renata Hesse
Date: 1/24/02 9:16am
Subject: Microsoft Settlement
John McGee
14515 W Granite Valley Dr. #C 625
Sun City West, AZ 85375
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: such as the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John McGee

MTC-00033298

From: C. A., Jr. Rosenberger
To: Ms. Renata Hesse
Date: 1/24/02 9:40am
Subject: Microsoft Settlement
C. A., Jr. Rosenberger
149 East Side Dr. # 323
Concord, NH 03301
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
C. A. Rosenberger, Jr

MTC-00033299

From: Blaine R Conk
To: Ms. Renata Hesse
Date: 1/24/02 9:47am
Subject: Microsoft Settlement
Blaine R Conk
2645 Redlands Drive
Costa Mesa, Ca 92627
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Blaine R Conk

MTC-00033300

From: Mark W. Alexander
To: leaplist@lists.leap-cf.org@inetgw
Date: 1/24/02 9:56am
Subject: Re: [LeapList]Microsoft Settlement

If you can figure out the proper way to send this to the judge in the —civil— suit, that's the place for it to go. It's great, but it does not address the DOJ settlement. mwa

On Thu, 24 Jan 2002, Phil Barnett wrote:

I feel that the currently proposed settlement is inadequate and an embarrassment to justice and law abiding taxpayers everywhere.

Ordering Microsoft to buy their way into another monopoly by having them donate proprietary operating systems to needy schools is not punishment. It is simply telling them that it's ok to monopolize yet another venue.

Will this billion dollars worth of "charity" displace real business in the commercial operating system world? Will sales that would have gone to Microsoft's competitors be lost because school districts around the U.S. will be waiting in line for their free handout? Will this billion dollar fine actually strengthen Microsoft? I believe it will if it is carried out as currently proposed.

If you want to actually punish Microsoft for their illegal activities, you should not do it by giving them a new market to take over. Instead, you should punish them by strengthening the competition that they have illegally gained monopolistic power over and plundered.

I propose that any new Microsoft settlement to needy schools include:

50% of the settlement into computer hardware only.

20% of the settlement into network infrastructure.

All computers purchased with this settlement money be installed with non-proprietary Linux Open Source operating systems and software.

30% of the settlement will be used for education of the support personnel and teachers using these new open source operating systems.

Linux is an excellent choice in Open Source operating systems. It is stable, capable, powerful, consistent and as easy to administer as any operating system that training is available for. There are many good mainstream Linux distributions available at low or no cost. Training and certification are available and should be encouraged in the support and educational infrastructure.

Open Source operating systems have the benefit of being upgradable at little or no cost for the foreseeable future. If the schools to be helped are those with limited budgets, low upgrade costs will be very important over the life of the hardware. Also, Linux is more efficient with hardware and does not require the rigorous hardware upgrade schedule that Microsoft operating system upgrades require. This means the hardware purchased with this settlement money will be viable years longer with Linux than it would be with Microsoft's proprietary operating systems.

If the current settlement is carried out, in a few years the schools with limited budgets will have obsolete operating system software needing to be replaced with billions of dollars of public money.

And, to whom will this upgrade money go? Microsoft.

That is not punishment. That is opportunity.

If you want to punish Microsoft and at the same time remove the proprietary handcuffs that Microsoft has put on every Windows user, teach our children how to use Linux.

LeapList mailing list
LeapList@lists.leap-cf.org
<http://www.matrixlist.com/mailman/listinfo/leaplist>
Mark W. Alexander
slash@dotnetslash.net
CC:Microsoft ATR

MTC-00033301

From: William Huth
To: Ms. Renata Hesse
Date: 1/24/02 9:57am
Subject: Microsoft Settlement
William Huth
211 Cooks Landing Road
peach bottom, PA 17563
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William J. Huth

MTC-00033302

From: James Friedrich
To: Ms. Renata Hesse
Date: 1/24/02 10:01am
Subject: Microsoft Settlement
James Friedrich
2301 E. Clifford Ave.
las vegas, Nv 89104-2140

January 24, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

James A. Friedrich

MTC-00033303

From: Renata B. Hesse
To: Ms. Renata Hesse
Date: 1/24/02 10:09am
Subject: Microsoft Settlement
Renata B. Hesse
2226 Pecan Drive
Yuba City, CA 95991-8432
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mr. George J. Jameson

MTC-00033304

From: Walter Sainio
To: Ms. Renata Hesse
Date: 1/24/02 10:16am
Subject: Microsoft Settlement
Walter Sainio
6419 Monero Drive
Rancho Palos Verdes, CA 90275
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Walter C. and Nan G. Sainio

MTC-00033305

From: mel fineman
To: Ms. Renata Hesse
Date: 1/24/02 10:33am
Subject: Microsoft Settlement
mel fineman
20215 ne 10th place
miami, fl 33179
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
mel fineman

MTC-00033306

From: John Weir
To: Ms. Renata Hesse
Date: 1/24/02 10:49am
Subject: Microsoft Settlement
John Weir
2730 Lakeridge Shores West
Reno, NV 89509
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
John Weir

MTC-00033307

From: Gary Deitschman
To: Ms. Renata Hesse
Date: 1/24/02 10:53am
Subject: Microsoft Settlement
Gary Deitschman
1981 Susan Ave
Neeah, WI 54956
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Gary Deitschman

MTC-00033308

From: John Appel
To: Ms. Renata Hesse
Date: 1/24/02 11:28am
Subject: Microsoft Settlement
John Appel
186 23rd Ave SW
Largo, FL 33778

January 24, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John E. Appel

MTC-00033309

From: Rodney Int-Hout
To: Ms. Renata Hesse
Date: 1/24/02 11:39am
Subject: Microsoft Settlement
Rodney Int-Hout
106 Dahlia Circle
Fairfield Bay, AR 72088-3708
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Rodney Int-Hout

MTC-00033311

From: Jerry Pausch
To: Ms. Renata Hesse
Date: 1/24/02 11:49am
Subject: Microsoft Settlement
Jerry Pausch
P.O. Box 413
Leesburg, oh 45135
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Jerry B. Pausch

MTC-00033312

From: Mark Meszar
To: Department of Justice
Date: 1/24/02 11:53am
Subject: Message From a Concerned Citizen

Dear Department of Justice:

I am concerned about the settlement issue that would strip the Microsoft Internet Explorer browser from the Microsoft Windows operating system. I spend a great deal of time online and have used Internet Explorer and Netscape Navigator. The Navigator browser is slower, more intrusive, less stable, and an inferior product in my opinion. If Microsoft Windows did not come with Internet Explorer I would have to spend hours downloading it over a slow dial-up connection. I format my computer's hard drive frequently for testing and to have to download the program over and over after each install of Microsoft Windows would decrease my productivity. I urge you to at the very LEAST allow Microsoft to include the option to install the Internet Explorer browser off the Microsoft Windows CD

Sincerely,
Mark Meszar
4616 Woodhurst Dr.
Youngstown, OH 44515-3731

MTC-00033313

From: Richard Grant
To: Ms. Renata Hesse
Date: 1/24/02 12:06pm
Subject: Microsoft Settlement
Richard Grant
22933 Galva Ave.
Torrance, Ca 90505
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Richard Grant

MTC-00033314

From: janice gabbert
To: Ms. Renata Hesse

Date: 1/24/02 12:08pm
Subject: Microsoft Settlement
janice gabbert
115 w monument
dayton, oh 45402-3099
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

The following is a long "form letter" supplied by CAGW, of which I am a member, and I have read it carefully AND AGREE WITH ALL OF WHAT IS SAID BELOW:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
janice j. gabbert

MTC-00033315

From: Elsie T. Childers
To: Ms. Renata Hesse
Date: 1/24/02 12:15pm
Subject: Microsoft Settlement
Elsie T. Childers
8781 Rose Creek Rd
Nebo, Ky 42441-9766
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Elsie T. Childers

MTC-00033316

From: Robert Himmelberg
To: Ms. Renata Hesse
Date: 1/24/02 12:25pm
Subject: Microsoft Settlement
Robert Himmelberg
911 East Park Drive
Glasgow, Mo 65254
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
R.L. Himmelberg

MTC-00033317

From: Evald Carlson
To: Ms. Renata Hesse
Date: 1/24/02 12:35pm
Subject: Microsoft Settlement
Evald Carlson
119 Oxbow Drive
Oxbow, ND 58047-5001
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the

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Sincerely,
Evald J. Carlson

MTC-00033318

From: Dean Willson
To: Ms. Renata Hesse
Date: 1/24/02 12:42pm
Subject: Microsoft Settlement
Dean Willson
7748 E. Tanque Verde Ln.
Tucson, AZ 85715
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Dean W. Willson

MTC-00033319

From: Margaret A. Kennedy
To: Ms. Renata Hesse
Date: 1/24/02 12:57pm
Subject: Microsoft Settlement
Margaret A. Kennedy
202 Willow Run Rd.
Sneads Ferry, NC 28460
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Margaret A. Kennedy

MTC-00033320

From: Robert Nelson

To: BFoer@antitrustinstitute.org@inetgw
 Date: 1/24/02 2:34pm
 Subject: Please reconsider your stance against Microsoft!

American Antitrust Institute
 2919 Ellicott Street, NW Suite 1000
 Washington DC 20008-1022
 Attention: Albert A. ("Bert") Foer, President
 Mr. Foer,

Your late actions in the Microsoft anti-trust case are contrary to the interests of business owners, stockholders of all technical stocks, and the American, as well as much of the international public, as well as the economy of the United States, and is a threat to technological innovation.

Your qualifications for membership are, from your site, as follow (bold case is ours) : "I have visited the AAI website (www.antitrustinstitute.org) and reviewed its contents. I am in general agreement with the philosophy represented by the AAI and wish to be affiliated as a Friend. I will abide by the conditions of membership as set forth on the website" indicate the appearance of your having little to no interest in hearing from those who oppose your actions and views.

Most people in the data processing field oppose the view and stance you have taken at this late date. We believe, and have reason to believe, that the entire matter was begun by my competitors who charged more, delivered less, and under whose guidance the personal computer and software would remain prohibitively expensive for the average consumer. Microsoft has made software affordable, dependable, and easily available. No company has absorbed as much software piracy as Microsoft without prosecuting users, either.

The legal attacks and moves by certain competitors has resulted in an either/or decision on the part of many Information Technology Directors and Chief Information Officers. We know how to write software, and (in my case) have been doing so since 1968. The actions of Microsoft's competitors has already backfired as we have continued to adopt as much IBM and Microsoft product as is possible, and no longer use certain competing products from the companies who brought this case.

Nearly all of the people with our philosophy are simply quietly doing this with little to no fanfare. We do not post to hobby bulletin boards. We do not spend a great deal of time in Microsoft's defense beyond converting previous database products to either Microsoft SQL Server or IBM's DB2.

We do not now, nor have we ever, worked for Microsoft or any of its subsidiaries, and we own no more than 100 shares of their stock among us. In other words, we have no personal stake in this other than our desire to have affordable, cutting-edge, and stable software for our business.

An area of investigation that needs more scrutiny is in the area of targeting viruses to the Microsoft products. This occurs far too often to be simple cases of hobbyists causing mischief, and is one of the areas where we are gathering a much information as we can.

Finally, we are more than a little concerned about another statement on your site—"A Counterweight to Conservative

Influence"—which indicates to us that your site is politically-driven. If this is the case, we would like to inform you that, according to a gay investment site, Microsoft is the third most gal-friendly public company in the United States, after Disney and American Express.

We ask that you reconsider your stance so that we may have this yoke off of our economy, and so that Microsoft may continue to innovate as if they were headquartered in a free country.

Warmest Regards,
 Bob Nelson
 Adventek, Inc. and for the majority of CIOs and data center directors, whose company names will follow on their letterhead by hardcopy.

cc: Microsoft, Inc.
 CC:Microsoft ATR

MTC-00033321

From: Arthur Ives
 To: Ms. Renata Hesse
 Date: 1/24/02 4:19pm
 Subject: Microsoft Settlement
 Arthur Ives
 16 Lighthouse Way Dr.
 Salem, SC 29676
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against

computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Arthur H. Ives

MTC-00033322

From: Daniel F. Betts
 To: DOJ
 Date: 1/24/02 4:33pm
 Subject: Lawsuites et al
 dear DOJ

As a consumer, citizen etc, can't these law suites stop. It is dragging down the economy and it is purely being done for purposes to hurt others, I am just sick of all that has gone on. The events of the last year have nearly wiped me out financially and emotionally. I am at my end!!

Daniel Betts

MTC-00033323

From: Charles E. Boonstra
 To: Ms. Renata Hesse
 Date: 1/24/02 5:55pm
 Subject: Microsoft Settlement
 Charles E. Boonstra
 2218 Lake Shore Drive
 St. Joseph, MI 49085-1841
 January 24, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost all taxpayers, including you, more than \$35 million, and after reviewing the terms of this Judgment, final approval seems to me to be clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. I have no interest at all in further enriching the legal beagles involved in this case.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charles E. Boonstra

MTC-00033324

From: Stanley R. Krier
To: Ms. Renata Hesse
Date: 1/24/02 6:06pm
Subject: Microsoft Settlement
Stanley R. Krier
175 Berlin Ave., Unit #64
Southington, CT 06489
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Stanley R. Krier

MTC-00033325

From: Steven Shepherd
To: Ms. Renata B. Hesse
Date: 1/24/02 6:08pm
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Steven Shepherd
14209—93rd Ave NE
Bothell, WA 98011-5147
CC: Citizens for a Sound Economy

MTC-00033326

From: Samuel Frankenfield
To: Ms. Renata Hesse
Date: 1/24/02 6:37pm
Subject: Microsoft Settlement
Samuel Frankenfield
7375 Hightower
Fort Worth, TX 76112-5812
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the

attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Samuel Lewis Frankenfield III

MTC-00033327

From: Nolan Swift
To: Ms. Renata Hesse
Date: 1/24/02 7:12pm
Subject: Microsoft Settlement
Nolan Swift
PO Box 09041/5006 S May St
Chicago, IL 60609
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has

cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Nolan G. Swift

MTC-00033328

From: Hexe667@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 8:11pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,

Grete Koller

202 Spruce Court

Yorkville, IL 60560-9582

MTC-00033329

From: Frank Soldwedel
To: Ms. Renata Hesse
Date: 1/24/02 8:14pm
Subject: Microsoft Settlement
Frank Soldwedel
1778 Rte. 9N
Lake George, NY 12845-5900
January 24, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Frank E. Soldwedel

MTC-00033332

From: Josep L. Guallar-Esteve
To: Microsoft ATR
Date: 1/24/02 9:01pm
Subject: Microsoft Settlement
To whom it might concern,

I'm an Information Technologies Engineer, with more than 6 years of experience in IT, now working as a Test Engineer in a Quality Assurance team. I think that the proposed settlement in the Microsoft Antitrust Case is a bad idea. Please reconsider your position.

I have co-signed and I endorse the open letter that Mr. Dan Kegel has posted on the Internet here: <http://www.kegel.com/remedy/letter.html>

Mr. Kegel points it nicely:

According to the Court of Appeals ruling, "a remedies decree in an antitrust case must seek to "unfetter a market from anticompetitive conduct", to "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99).

The current proposed settlement, does not seek to unfetter nothing. It is incapable of terminating illegal monopoly practices. It does not deny Microsoft Corp. the fruits of its statutory violation. And it does not ensure that Microsoft Corp. will end its current illegal practices. For example, some ways that could enforce Microsoft Corp. to end its illegal monopolistic practices would be:

—Make open and public the documentation that specifies Microsoft Corp.'s file formats, like MS-Word, MS-Excel... Make open and public the specifications of actual and future file formats (when available). This will serve to open the market to competing products. The consumer will have a selection.

—Disclose MS-Windows API that will make possible for competing products to use programs designed for MS-Windows. This way, "MS-Windows compatible" Operating Systems could be presented as a real choice to the consumer.

—Mandate Microsoft Corp. to do not discriminate (in their licenses or wherever) against competing technologies or products. For example, nowadays, their "licenses" forbid to use MS-Windows components in conjunction with Microsoft Corp's technology competitors. Yes, with their licenses, you cannot use MS-Windows Media without MS-Windows, when it is technically possible to do so using the emulator "WINE" under Linux (quoting their license: "you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux)"). Well, there's more and in more depth at

Mr. Kegel's website.

Yours sincerely,
Josep L. Guallar-Esteve
Chapel Hill, NC 24514
QA Test Engineer,
IT Professional, Member of IEEE—
Computer Society
CC: jlguallar@computer.org@inetgw

MTC-00033333

From: dick allan
To: Microsoft ATR
Date: 1/24/02 9:04pm
Subject: Microsoft Settlement

Come on you guys, this one from M\$ doesn't cut it either. Since when does the criminal get to call the remedy?

MTC-00033334

From: Jacqueline Hoernlein
To: Ms. Renata Hesse
Date: 1/24/02 9:05pm
Subject: Microsoft Settlement
Jacqueline Hoernlein
4230 Shattuck Rd.
Saginaw, Mi 48603
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and

the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mrs. Jacqueline Hoernlein

MTC-00033335

From: David Olegar
To: Microsoft ATR
Date: 1/24/02 9:08pm
Subject: Microsoft
Restore competition to the software industry. Break up Microsoft.

MTC-00033336

From: Guy Sewell

To: Microsoft ATR
Date: 1/24/02 9:10pm
Subject: Microsoft Settlement

Dear Sirs,

I would like to express my dismay at the proposed Microsoft settlement. I am particularly concerned over the lack of recognition by the DOJ as to the importance of not-for-profit organizations to the future of IT, and to the discrimination against not-for-profit organizations in the proposed settlement.

Also, I have yet to hear a compelling argument as to why the MS breakup remedy was not chosen. The company was found guilty of being an illegal monopoly. The company has an obscene profit margin with no significant competition in either the OS market or the office suite market, how can this not be detrimental to consumers or competitors? It has a greater % of total market than AT&T or Standard Oil did. Diversity is a desirable trait in ecosystems, in societies, and in commerce. Break up Microsoft and make the the units compete in a free and level market place.

Guy W. Sewell, Ph.D.
President

Sewell Environmental Associates, LLC

MTC-00033337

From: csaunders@
databytesoftware.com@inetgw

To: Microsoft ATR
Date: 1/24/02 9:11pm
Subject: my personal view on the ms vs doj case

Dear Sir / Madam

On the face of it, it would appear that my view on this matter is irrelevant; I am after all a British citizen living in New Zealand, half-a-world away from your great nation.

However your decision in the matter of the Microsoft will affect my life deeply. I am a senior IT professional, working with Microsoft products daily. In short my very living will be affected by your decision. The world, and I await with baited breath what impact this will have on our lives.

It is under such circumstances that I offer my humble opinion: My summarisation is this, that it would appear to be a decision of the issue of "freedom", how much "freedom" should a corporation be allowed vs. the freedom of the public to enjoy goods and services at a competitive price. In fact it would appear that the entire issue is summed in the above fashion. Most people today believe that "I can do whatever I like, pursuing what ever goals I determine to be to my best interest, SO LONG as I respect the rights of others and do not impinge on their right to do the same." It is that above view, which I find utterly abhorrent. I propose that the belief that your great forefathers held such a view is a lie, and a dangerous lie designed to steal your freedom from right underneath you.

If this issue (and all the similar arguments like it) are decided based on the merits of who has "which freedoms to do what", then the end result will be incorrect and self-serving, no matter how noble your aims.

If entities such as governments, businesses, organisations and ultimately people, really believe that they have a "right" to follow

their own desires, without hurting others, they will, given enough time, destroy everything around themselves.

Like a horrible Midas curse, it is not possible to gain your own goals without affecting others.

The pursuit of self, at all costs is disgusting. The dangerous lie that it is possible to peruse self, without impinging on others is a falsehood. No man is an island, all decisions involve costs. Any decision based on the "faintly" held notion that it is permissible to pursue your own goals as "long as you don't hurt others" will produce a result that is a real evil in itself.

I urge you to consider your forefather's real aims and goals in promoting liberty, not one of "SELF" but rather "OTHERS FIRST".

If you are proud of your heritage you will put others first, and demand of both the plaintiff and the defendant that they show how they are putting "OTHERS FIRST".

The result will be a judgement based on the activities of both parties, designed to show whether self-interest or others-interest was the goal. It is obvious then that by upholding the freedoms of both parties, both will suffer equally. If both parties are forced to place the other party first, the result will be a correct settlement, designed to uphold the other's rights. If the "people" are willing to allow Microsoft the right to "practice business", then Microsoft must allow the "people" the right to make their own livings. (I imagine the issue of forcing OEM vendors to pre-install windows will be shown for the foul business practice it is, self-serving and abhorrent.)

Self-first always results in loss of freedom, never the promotion of freedom. It is your own forefathers whom taught their children to follow the ways of the man that first promoted the idea of "Others First", en-masse to the public. He was Jesus. Parents often paraphrase his teachings like this "Treat others as you would have them treat you." He actually said, "Love the Lord your God with all your heart, all your mind and all your soul. And love others as yourself."

May the Lord grant you the wisdom of Solomon as you consider such a weighty decision.

Thank you for allowing me the opportunity to speak.

Kind regards,
Colin Saunders
PO Box 98817
South Auckland Mail Centre
New Zealand
csaunders@databytesoftware.com
CC: pohj@ihug.co.nz@inetgw

MTC-00033338

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:13pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case

against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
D.Landis Murphy
147 Suburban Terrace
Stratford, NJ 08084-1413

MTC-00033339

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

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Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Robert Murphy
147 Suburban Terrace
Stratford, NJ 08084-1413

MTC-00033340

From: dlm63785477@netscape.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:16pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Tricia Murphy
147 Suburban Terrace
Stratford, NJ 08084-1413

MTC-00033343

From: Andy Colligan
To: Microsoft ATR
Date: 1/24/02 9:17pm
Subject: Microsoft Settlement
Dear Sir or Madam,

The proponents of an anti-trust suit should have but one goal: The limitation or reduction of a trust. Cementing a trust's hold on a market is the antithesis of that goal.

Please do not allow this settlement to become a travesty of justice and freedom. Please do not expand Microsoft's monopoly though this settlement.

Speaking as someone who has watched the Internet grow, explode, and begin to mature, I would like to be able to see it become a place that allows freedom of expression and choice. Speaking as someone who has seen what computers are truly capable of, I implore you to allow the same freedoms onto the desktop. Customers should be allowed to choose how they want to interact with their computer. Currently, Microsoft does not allow that choice. If they have any say in the matter, they never will. However, you do have the power to change how Microsoft does business. I ask you to exercise that power. You may find this message to be silly, but the outcome of this case is anything but.

Andy Colligan
Email: gtg410b@prism.gatech.edu

MTC-00033344

From: ChloeCKM@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: microsoft settlement

please , in the public interest, proceed with the settlement that is so badly needed for the U.S. economy and in the interest of the public that is surely weary of continued competitiveness. please , let us get back to sanity. thank you sincerely Chloe murdock chloeckm@Aol.com

MTC-00033345

From: John Holstein
To: Microsoft ATR
Date: 1/24/02 9:19pm
Subject: Microsoft Settlement

The proposed settlement with Microsoft is an extremely bad idea. Microsoft has ridden rough-shod over the Computer and Computer Software Industry for too long.

Out of the hundreds of complaints I could complain about concerning Microsoft, from their inability to provide a secure OS, out of the box, to their lack of effort in patching existing software for known bugs, the basis of my "problem" with the way they do things is their effort to set and/or change existing standards. These standard practices (RFC's "Request for Comments") that computer professionals go by when installing, administrating and developing new software are the basis for our everyday lives. Microsoft has the audacity to try and change these standards to suit their needs, at any given time, seemingly without regard to their customers "computer well being".

Microsoft will continue to pull the wool over the eyes of people that don't know any better. We need to help protect the end users that don't have the ability to understand the "behind the scenes" actions that take place. I know, I understand, and I am not a fan of what Microsoft has done to the industry. Allowing it to continue will only hinder future developments.

John Holstein,
Cotse Helpdesk/Support

MTC-00033346

From: csm
To: Microsoft ATR
Date: 1/24/02 9:20pm
Subject: Microsoft Settlement
To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

As someone who uses Microsoft products as part of his job, and who also uses products at home that compete with Microsoft products, I would like to offer the following comments and suggestions regarding the "proposed final judgment in United States v. Microsoft".

In general the settlement described in the "proposed final judgment" tries to prevent the anti-competitive behaviors that Microsoft has used in the area of (what the settlement calls) "Middleware Products" intended for user interaction with the Internet. I feel it focuses a little too narrowly on "Internet-centric" programs such as browsers and E-mail agents. In fact, there are probably lost opportunities here for correcting anti-competitive behaviors in the areas of operating systems, software development tools and what is euphemistically called "office productivity" software (such as Microsoft's Office suite of programs).

While these types of programs may seem more distant from the Internet than web browsers, etc., in point of fact almost all of them are also being upgraded to interoperate with Internet APIs and remote services. I wish this had been examined in more detail.

However, taking the proposed settlement as written, there are several changes in wording that I believe would expand the scope of what is being required where it is overly narrow. In particular, under Section III.A.2 (hardware licensing):

1. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; should be amended to:
2. shipping a Personal Computer with one or more bootable non-Microsoft Operating System(s) either instead of or in addition to any Windows Operating System Product; to ensure that not only can Microsoft not retaliate against a computer hardware vendor who ships a Personal Computer that dual boots Windows and some non-Microsoft Operating System, but also that it cannot retaliate against a vendor who ships a separate line of Personal Computers without Windows at all, in addition to also shipping Personal Computers that do have Windows installed.

This is particularly important to growth of the (Open Source) Linux Operating System as an option for businesses.

In section III.D, in addition to "the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product", the internal formats of disk files created by Microsoft products need to be cited as a necessary part of the "related Documentation", particularly for the Microsoft Office products.

Microsoft Office is a pillar of the current desktop monopoly. It is reasonable to ask that "flat" files produced by Word, Excel and other components of the Microsoft Office suite have their internal layout and format fully documented so that non-Microsoft products can interoperate with them with full knowledge of any planned changes from one version of Microsoft Office to the next. This is important because these files are routinely exchanged via E-mail and other methods of information exchange over the Internet (for instance, many company Personnel departments now require resumes and job applications to be E-mailed in Microsoft Word format). The exceptions to this would be the database file formats of Microsoft Access (one part of the Microsoft Office suite) and Microsoft SQL Server (a separate product), which should rightfully remain proprietary knowledge.

Section III.J.1 needs to be tightened to provide outside verification that any denial of disclosure because it "would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria" is justified by the facts of the matter. Also III.J.2 appears to provide a loophole for allowing Microsoft to refuse information to Open Source developers, since it has already disparaged the "authenticity and viability of" the Open Source model of doing business.

This loophole must be closed, since Open Source software is one of the few surviving competitors that Microsoft products face currently.

Definition VI.K.1 should include Microsoft Office among the list of "Microsoft Middleware Products", again because it is so routinely used in document exchange across the Internet.

Thank you,
Paul Connelly
P.O. Box 290
Oakham, MA 01068-0290
(US Citizen)
CC:connelly@darco.org@inetgw

MTC-00033347

From: Donald Rossell
To: Ms. Renata Hesse
Date: 1/24/02 9:20pm
Subject: Microsoft Settlement
Donald Rossell
1331 Ridgeview Ave Dayton, oh 45409
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Donald Rossell

MTC-00033348

From: dnp607(a)pacbell.net

To: Microsoft ATR
Date: 1/24/02 9:22pm
Subject: Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98-1232).

I believe the settlement is unfair, as it will not serve to end Microsoft's unlawful conduct, and does not adequately penalize Microsoft for its unlawful conduct. I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,
Dan Peknik

MTC-00033349

From: Carlos Santellanes
To: Microsoft ATR
Date: 1/24/02 9:24pm
Subject: Microsoft settlement

The proposed settlement is INSULTING to the word justice. Nothing is going to change with such a settlement, REAL punishment must be done this time or else the WHOLE computer industry will suffer.

If only we'd stop trying to be happy we could have a pretty good time.

Edith Warton

NOTICE—This message contains information intended only for the use of the addressee named above. It may also be confidential and/or privileged. If you are not the intended recipient of this message you are hereby notified that you must not disseminate, copy or take any action in reliance on it. If you have received this message in error please disregard.

MTC-00033350

From: Bill Vlahos
To: Microsoft ATR
Date: 1/24/02 9:28pm
Subject: Microsoft Monopoly

I believe that Microsoft has clearly and unlawfully abused its monopoly for many years and am dismayed that the "remedies" discussed so far are neither appropriate nor will be effective in either punishing or changing Microsoft's behavior.

Assuming that Microsoft is guilty, which has been proven and re-affirmed in court, then not only should their behavior change but they should be punished. There are numerous products and companies which no longer exist because Microsoft eliminated them.

Let me suggest a solution that would not only meet the goals of the anti-trust case, be relatively easily achieved, but actually would effect a change.

1. Make the file formats for Word, Excel, and Powerpoint open so that other companies can make competitive products which would transparently interoperate with Microsoft's products.

2. Prohibit the Government (U.S. and States) from purchasing any Microsoft products for a period of time based on how long Microsoft abused their monopoly. This would punish Microsoft for past abuses while at the same time provide a waiting market for competing products.

These remedies would certainly hurt Microsoft which is appropriate. They also

would stimulate competition which would be good for consumers.

Bill Vlahos
bvlahos@gte.net

MTC-00033351

From: chris wolske
To: Microsoft ATR
Date: 1/24/02 9:31pm
Subject: Microsoft Settlement

Department of Justice Representative,
I would like to respond to the Proposed Final Judgment to U.S. v. Microsoft. There are many aspects of this ruling which I find disturbing, including the following:
In section III (Prohibited Conduct), section A.2. reads:

[A.2] "shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System; or"

this interpretation ignores systems shipped without a Microsoft operating system, including computers that ship with only Linux or other Free (FSF) software with Windows compatibility software included. An alternative may read as follows: "

shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ..."

Section VI (Definitions), section U, defines the following:

"Windows Operating System Product" means the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named "Longhorn" and "Blackcomb" and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.

this focuses narrowly on the a subset of the operating systems offered by Microsoft and may be better represented by:

"Windows Operating System Product" means any software or firmware code distributed commercially by Microsoft that is capable of executing any subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named "Longhorn" and "Blackcomb" and their successors, including upgrades, bug fixes, service packs, etc.

Thank you for your time.
Kind regards,
Christopher Wolske

MTC-00033352

From: CGDOWD@AOL.COM@inetgw
To: Microsoft ATR
Date: 1/24/02 9:31pm

Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Christine Dowd
1835 Portola Road
WOODSIDE, CA 94062

MTC-00033353

From: bramsay@attbi.com@inetgw

Date: 1/24/02 9:32pm

Subject: Microsoft Settlement

The proposed settlement is inappropriate. Instead of being a punishment for illegal behavior, it appears to be a marketing plan designed by Microsoft. The costs to Microsoft of distributing their software to schools is very small compared to the retail "value" of each package. Even using the full retail "value" of the donated software the total cost is very small compared to the economic damage of Microsoft's monopolistic business practices.

The proposed settlement does nothing to curb Microsoft's future monopoly, and in fact it actually promotes Microsoft's monopoly. By donating software to schools, Microsoft will be advertising in the schools. I believe Microsoft will be very happy with the proposed terms because they already spend billions of dollars on advertising. Apple has for years promoted their corporation by donating computers and software to schools. Now Microsoft will be required to donate computes and software to schools, even though such an action would probably be illegal without a court order. Such a donation could be an attempt to eliminate competition in the school market.

When considering the severity of the penalty we should remember the severity of the crimes committed. Microsoft has for years bound large computer sellers to agreements which made it very difficult or costly to provide other operating system software on their computers. The terms of these agreements have required computer sellers to pay Microsoft for each computer sold, regardless of what operating system was installed on the system. In addition, Microsoft has prohibited installation of "dual boot" systems which would give people a choice of operating system. Imagine the absurdity of, for example, Del Monte receiving a payment for every can of corn sold, regardless of who actually made the can of corn.

Perhaps most egregious is what Microsoft did to DR-DOS, an early competitor. Microsoft deliberately sabotaged DR-DOS by checking to see if DR-DOS was running and then creating false and misleading error messages. This gave the impression that DR-DOS was somehow incompatible. In fact DR-DOS was a superior product. Microsoft committed industrial sabotage. Finally Microsoft displayed an attitude of contempt for the judicial system during the trial. They introduced obviously doctored video tapes.

When a crime results in ill gotten gains, it is appropriate to make the penalty large enough to remove the economic gain from the crime and then to further increase the penalty to deter future criminal behavior and to compensate society for the damage caused by the crime. In this case the damage has been very large. Microsoft has positioned itself as the owner of the software roads of the 21st century. No society would tolerate a single company owning all the roads in a country, and we should not tolerate having a single company control all of desktop software. Therefore it seems more appropriate to require Microsoft to donate all the Windows operating system software, including any future releases, to the public domain. Microsoft should also be required to compensate owners of patented and copyrighted software contained in Windows. Microsoft has a large amount of cash available and they should be able to provide compensation without any difficulties. Microsoft should also be prohibited from introducing any competitors to their Windows operating system and office software.

Being wealthy is no excuse for committing crimes.

Bruce Ramsay Software Engineer

MTC-00033354

From: jay—talsma@hotmail.com@inetgw

To: Microsoft ATR

Date: 1/24/02 9:34pm

Subject: Microsoft Settlement

Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jay Talsma
534 Del Vista Dr.
Bloomington, IL 61704-7654

MTC-00033355

From: Dawney

To: Microsoft ATR

Date: 1/24/02 9:34pm

Subject: Microsoft Settlement
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001
January 24, 2002

Dear U.S. Department of Justice:

As a member of the public, I would like to add my comments on the Microsoft Settlement. If I understand correctly, under the Tunney Act I may submit comments regarding the Microsoft Settlement documentation. In order to accurately convey my opinion, I must first clarify that I respectfully but strongly disagree that Microsoft has had or does have a monopoly in the web browser industry. Our local news reported recently that our only local telephone utility provider is planning to share our personal information, including to whom we call and how long we stay on the phone line. Needless to say, the customers are not happy about this and are trying to get an opt-out option. But if we can't, and it is legal for the company to share our private information against our will, then we have no alternative but to continue using this utility company or to discontinue the use of our local phone service because there is no other option. THAT is a monopoly.

I am easily able to obtain and use Netscape or Internet Explorer or AOL if I so choose. These three web browsers are easy to find and affordable if not free. Microsoft has developed a successful operating system (and application software) that has revolutionized (actually introduced) the public to the ever-increasing benefits of personal computer use. It was not long ago that the market of computer users was a minute group limited to the isolation and dullness of DOS. The creation of Windows has given wings to the minds of developers and end users. Microsoft has cultivated its Windows operating system with improvements such as Internet Explorer that are a benefit to the consumer.

My perspective is that of great appreciation for successful development and true competition. Microsoft has no more channels of opportunity than any other company as far as marketing and distribution, unless they've created their own, which is productive innovation. If Microsoft is successful in distributing knowledge about its products and creating accessibility, it is commendable and a plus for consumers. I've read that it would be too expensive for Netscape to develop its own competing operating system. Too expensive for whom? Netscape? Consumers? If having a unique operating system is a desire of Netscape in the development of its product, then it ought to gather investors, developers, etc., to enable itself to achieve these developmental goals. Isn't that what most companies have to do? Microsoft successfully built and developed its concepts and products, relationships and consumer trust from ground up.

They didn't try to jump on the coat tails of a larger company. Too expensive for consumers? If my limited knowledge of competition serves me correctly, then by Netscape building their own code, products

and relationships, it would actually facilitate true competition and even reduce prices (for consumers). With that said, out of respect for the authority of the Department of Justice to pass judgment on whether or not it feels the Sherman Act has been violated, I acknowledge the decisions that have led to the Microsoft Settlement. While I do not agree with much of the settlement language, it takes two sides to reach an agreement. With two sides agreeing to a set of terms and to be bound by the settlement, I agree that a swift close to this matter would be of benefit both financially and mentally to the public. I have been wanting to write this letter for over several weeks but have felt so strongly on some parts of this case, that I wanted to make sure and re-read the available public documents, then write with a clear mind and "cool jets" so to speak. My main concern when reading the complaints and settlement information is that of wanting reasonable justice and closure. I have been concerned foreseeing that Microsoft's competition would not honor the authority of the DOJ nor the binding settlement language; but rather, they would continue to pursue litigation after litigation. And as of January 23, 2002, unfortunately this foresight seems to be correct in reading that AOL is again suing Microsoft.

I believe that it is in the best interest of the public and our economy to strictly and completely enforce all terms of the settlement, and then ensure that Microsoft's competition is not allowed to make a mockery of the system by misinterpreting their role (if any) in the agreement. This kind of abuse would be a waste of money and time (which would stifle would-be creative developments for consumers). I also believe it would be detrimental to consumer confidence.

The decisions have been made. Let the DOJ and Microsoft carry out their parts of the agreement. Let the competing companies build their products to the best of their available resources (as with all businesses). Then let the consumers be free to choose their products and services.

Thank you greatly for your time.

Dawn Reagan
1765 Tullis Dr.
Coeur d'Alene, Idaho 83815
(208) 665-2317
dawney@toontakes.com

MTC-00033356

From: baileypayne@prodigy.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:36pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jean Payne
501 Fairway Trail Springfield, TN 37172-4013

MTC-00033362

From: Bradley Greger
To: Microsoft ATR
Date: 1/24/02 9:38pm
Subject: Microsoft Settlement
the proposed settlement is bad idea

MTC-00033363

From: Jonathan D. Nolen
To: Microsoft ATR
Date: 1/24/02 9:39pm
Subject: Microsoft Settlement

I strongly disapprove of the proposed final judgment in the Microsoft Case. As written, it fails to achieve any meaningful benefit for the software-using public. It is insufficient to curb Microsoft's use of predatory and anti-competitive tactics, which have been working against the public good for two decades. Likewise, it fails to redress the damage that Microsoft has done to the software industry and the computer-using public at large during their reign as monopolists.

Please see Dan Kegel's (<http://www.kegel.com/remedy/letter.html>) comments for further detail on the shortcomings of the proposed settlement.

Sincerely,
Jonathan D. Nolen
Jonathan D. Nolen
Santa Barbara, CA
mail: nolen@rhodesalumni.org

MTC-00033364

From: Ben Lachman
To: Microsoft ATR
Date: 1/24/02 9:40pm
Subject: Microsoft Settlement

The settlement as it stands does nothing to change the way microsoft will act in the future. much greater action should be taken.

Ben Lachman
Athens, Ohio
lachman@boochee.com
blachman@mac.com
(740)592-6430

MTC-00033365

From: David Lawler
To: Microsoft Settlement U.S. Department of Justice

Date: 1/24/02 9:42pm
Subject: Microsoft Settlement
David Lawler

333 E Ontario #4412b
Chicago, IL 60611
January 25, 2002
Microsoft Settlement U.S. Department of Justice

Dear Microsoft Settlement U.S. Department of Justice:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a

serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
David Lawler

MTC-00033366

From: BIOLABTECO@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 9:42pm
Subject: AOL LAWSUIT AGAINST MICROSOFT

Sir:

I think in my opinion AOL should now spend time to enhance and innovate their system rather than spending time in the courtroom. It is just the right thing to do. Time to move on AOL you are hurting the economy of the United States of America.

MTC-00033368

From: bettyj@surfside.net@inetgw
To: Microsoft ATR
Date: 1/24/02 9:45pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Betty Johnson
9102 Hyde Park Drive
Huntington Beach, CA 92646-2327

MTC-00033370

From: efortain@netscape.net@inetgw
 To: Microsoft ATR
 Date: 1/24/02 9:46pm
 Subject: Microsoft Settlement

For over a year I used Netscape Navigator. Eventually, I decided to try other browsers—Internet Explorer and Opera—because I was becoming frustrated with Navigator's lack of features. I was much happier with Explorer's flexibility and features, so I removed Navigator. All three programs were free to the public, but one offered more and satisfied me more than the other. I also bought a Ford Bronco several years ago. I was not satisfied with the stereo that came "bundled" with it, so I shopped around and bought a better stereo to replace it. The stereo was much more costly and troublesome to replace than Internet Explorer is to replace. Cars come bundled with stereos and tires and I can buy different tires and stereos for my car, just as a computer can come with Windows, Mac OS X, Linux, etc., but I am still free to choose whatever web browser or other software I prefer with the operating system of my choice.

Please don't take away our rights or responsibility to choose and decide for ourselves what products we will use. Politicians harm consumers when they give unfair advantage to producers who cannot compete with companies that create better products. Allowing politicians to interfere with the marketplace and consumer choice is an uncompetitive and unconstitutional practice.

Sincerely,
 Eugene Fortain
 5707 Los Alamos Ct.
 Santa Rosa, CA 95409

MTC-00033371

From: Bob Boothby
 To: Microsoft ATR
 Date: 1/24/02 9:46pm
 Subject: Microsoft Settlement
 January 24, 2002
 Attorney General John Ashcroft
 US Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Mr. Ashcroft:

Is further litigation on the Microsoft antitrust case going to get us out of this recession? I don't think so! I was hopeful when Microsoft and the Department of Justice reached a settlement back in November, but now it looks to me like we are in for another round of fruitless litigation. We have nine state Attorney Generals playing politics and AOL is back in court with an old complaint that was proven to be unfounded in the current DOJ lawsuit.

I, Robert, am a Software Engineer. I worked for RCA Computer Systems Division in the 1960s and Hewlett-Packard from the early 1970s to the present. From personal experience I can tell you that the Netscape browser lost its dominant position because it was defect-ridden and its performance was miserable. The Netscape browser still has a near monopoly on UNIX workstations and AOL Time Warner & Sun Microsystems still deliver a defect-ridden browser with miserable performance to that market.

Microsoft has agreed not to go after computer companies who ship software that competes with anything in its operating system. Microsoft has also agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that run on software that competes with Windows.

What else is expected of Microsoft? Let's move on. Let's put an end to the litigation!

Sincerely,
 signed: Iku Boothby
 Iku Boothby
 signed: Robert Boothby
 Robert Boothby

MTC-00033372

From: John E Pillow
 To: Microsoft ATR
 Date: 1/24/02 9:56pm
 Subject: Microsoft Settlement

I think the settlement is not good. It lets Microsoft continue to control the marketplace.

Thanks
 John E Pillow

MTC-00033373

From: chill@central.com@inetgw
 To: Microsoft ATR
 Date: 1/24/02 10:04pm
 Subject: Microsoft Settlement
 Ms. Renata B. Hesse, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
 Carole Hill
 233 Jackson Circle
 Louisville, CO 80027-1630

MTC-00033378

From: Bill Rodgers
 To: Microsoft ATR
 Date: 1/24/02 10:07pm
 Subject: Microsoft Settlement

I find the behaviour of AOL appalling. It seems that AOL are more intent to be seen as a successful court litigator than as a company that would provide quality software to the public. They can't compete with expertise and quality products so they seem to want to "knock" the industry standard down to their own level. This will do nothing for the advancement of technology and the benefits that can have to consumers. It is time AOL were given a clear message that they either start to get their software development act together and contribute to the

development of users computing experience or they get out of the game.

Bill Rodgers
 Newcastle, Australia

MTC-00033379

From: gani delos santos
 To: Microsoft ATR
 Date: 1/24/02 10:07pm
 Subject: Microsoft Settlement
 proposed settlement is bad idea

MTC-00033380

From: gregTHOMY
 To: Microsoft ATR
 Date: 1/24/02 10:08pm
 Subject: MS BS proposal
 I totally DISAGREE w/ MS's proposed settlement for their illegal activity.

Chop em up!

Thank you.

gregTHOMY

PS: It is increasingly difficult to AVOID using this monopoly's products...this would be ok in communist china but not America!!!

MTC-00033381

From: chrise@SPRI.
 Levels.UniSA.Edu.Au@inetgw
 To: Microsoft ATR
 Date: 1/24/02 10:09pm
 Subject:

A right to use It is difficult describe how I fell about the antitrust case against microsoft. I am unsure at this time how this email will be received. I am a 30 year old Information Technology and Telecommunications engineer working in South Australia, I have been involved with computers and computing since I was 15 years old, so I have 30 years experience dealing with computing issues and operating system.

I am unsure if the American judicial system is allowed to consider opinions from out side of the USA. However, when you talk about the computer industry and partially Microsoft any anti-trust suit is not just important to Americans it has far reaching effects all around the world.

Software defies conventional trade boundaries, a new piece of software can be all over the world in a matter of weeks and be used by billions of computer businesses and home users in this time. What Microsoft has accomplished in it's time as the major operating system is develop the computer platform to a stage where anyone in the world can use it and use it effectively.

But it has done this at a cost. The first PC I acquired was an Amstrad 286 at the time windows was not even an OS and DOS was king. Thousands of companies produced word processing programs land other utilities and the consumer was able to talk with their wallets. If a piece of software was no good then they migrated to another and never used that software again.

This is the way it was in the beginning. The free market at it's best. Mac had a market dominance, it's OS and windows type platform was the easiest for all users to use. A large number of users used the mac platform instead of the PC as the PC OS was difficult to use. Then along came windows. Windows was produced to compete against the Mac OS which made Mac's one of the

most sold computer systems there was. Windows copied a lot of the Mac features and low an behold a Graphical user interface was available for the IBM PC. Real competition began in the PC market.

The combination of the IBM PC and the Microsoft windows product won out over the Mac. Not because it was the better of the two systems they were both pretty much the same it's just the IBM PC's were cheaper then Macs and thus market forces won the day.

Microsoft became the main OS of today. This wasn't a problem as Windows used DOS as the basis for it's OS and all the DOS software companies could easily port their packages to the windows format. But microsoft wanted more, recognizing their clear advantage due to there financial, market and marketing dominance they started to develop the peripheral programs, borrowing ideas from these other companies and going with the market trend.

The Microsoft OS today could no longer strictly be called an OS. The operating system of a computer controls the interface between the human and the computer components and allows programs to talk and control these components in a managed manner.

Microsoft dose this and so it in a reasonable manner. But it a lot includes programs which load automatically without the user asking. And as things like word programs, net surfing programs, picture editing programs are freely available why go out and by the other superior programs as well the ones we have may not be the best but they will do. By allowing microsoft to continue to add programs to there OS that do not have anything to do with the OS you perpetuate the destruction of superior software and operations during our time. Microsoft is holding the world in a computing stasis, by not allowing the best program to be presented to the consumer, developments are lost and our pool of knowledge shrinks.

At this time microsoft has dominance of the world computer market. They control 99% of the worlds computers. Their software has proven time and time again that it is not the best, but it is adequate and why by the better stuff if the stuff I have works. I have had several programs that I love to use of the years become useless because microsoft change small parts of it's code to make it more difficult for other programs to run under windows. Microsoft at the issuing of a new OS can decided that the world has to change to suit it's vision. In actual fact when you think about it Microsoft has more power then the US government and the US court systems.

Microsoft can make changes that effect the world in radical and dramatic ways. They can broaden or shrink the differences between the haves and the have not. This gives them a massive amount of power and ultimate power corrupts.

The microsoft solution is a difficult one and I do not envy you. The split up of microsoft will be a blow to the company no doubt. But, I believe they said that there development divisions (those that produce office and Internet Explorer) would not be able to work as efficiently as they do now

when they are connected to the OS side of things. This is definitely true ! However, isn't this what all other companies have to put up with. Microsoft limited access to their software interfaces to external companies. Meaning that the internal software development teams have an unfair advantage when it comes to developing software as they can use the full set of microsoft OS tools, while other companies can only deal with half the OS tools or less.

If you can do nothing else you should at least include in the settlement that MS must release the full Software and interface specs to the MS Windows OS to allow others to compete on a more level playing field.

Yours
Chris Evans

MTC-00033382

From: justin delos santos
To: with a subject of "Microsoft Settlement"
Date: 1/24/02 10:10pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC-00033383

From: Doug Schafer
To: Microsoft ATR
Date: 1/24/02 10:11pm
Subject: Microsoft Settlement

I am strongly opposed to the proposed settlement. It does not take into account Microsoft's past avoidance of the intent of the consent decree. It should be assumed Microsoft will act in bad faith as they have in the past. If this assumption is made, the proposed settlement easily allows Microsoft to continue monopolistic practices that will cause long-term damage to this country.

To allow free-market forces to reign, Microsoft cannot be allowed to turn what is currently a public resource (the internet) into its private tool. This would be akin to a company subtly modifying all the on and off ramps of the federal highway system so that only company-approved vehicles could use them. Competitors must be able to interoperate with, and replace components of, Microsoft operating systems. This requires that the government prevent Microft from blocking this access via legal or technical means. The proposed final judgement falls far short of this.

Sincerely,
Doug Schafer <pfj@schafer.com> 5720
Ridgebrook Drive
Agoura Hills, CA 91301
818.444.2356

MTC-00033384

From: Danny Delos Santos
To: with a subject of "Microsoft Settlement"
Date: 1/24/02 10:12pm
Subject: Microsoft Settlement

The proposed settlement is a bad idea.

MTC-00033385

From: William R. Hutchins
To: Ms. Renata Hesse
Date: 1/24/02 10:13pm
Subject: Microsoft Settlement
William R. Hutchins
5605 Brisbane Drive
Chapel Hill, NC 27514-9689
January 25, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to support the revised proposed Final Judgment in the US. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance, such as the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continued litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case ? the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

William R. Hutchins

MTC-00033386

From: dalewsr@quixnet.net@inetgw
To: Microsoft ATR
Date: 1/24/02 10:15pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Dale Weckbacher
4116 N. 72nd Drive
Phoenix, AZ 85033-3151

MTC-00033387

From: Cerrise W
To: Microsoft ATR
Date: 1/24/02 10:18pm
January 25, 2002

To whom it may concern at the Department of Justice, I am opposed to the proposed settlement in the Microsoft antitrust trial. I am a victim (as are you) of shameless abuse by the Microsoft corporation. If I do something that is against the law, I will be punished. This deterrent is the foundation of our justice system. If I live in some parts of the country, and I break the law (any law) three times, I will go to prison. There can be no exceptions.

I do not expect to have more liberty than anyone else in this country. I also do not support any judgement in which the judicial system awards one person or entity more liberty than any other person or entity. This is discrimination.

With the Proposed Final Judgement in this case, you will be making the following statement true: "I (a citizen of the United States of America) do not own or operate a powerful monopoly, therefore I would be punished for breaking the law, even though the owners and administrators of a powerful monopoly can knowingly and gratuitously disregard the law and not only escape punishment, but actually profit from their many and brutal crimes." Note: I feel that invading my privacy for the purposes of exploitation; actively denying me or anyone the opportunity to compete economically—enforcing a monopoly; and interfering with my constitutional rights in any way, are brutal and unforgivable crimes, which should be severely punished.

Please do not discriminate against me by approving the Proposed Final Judgement;

which lacks any punishment whatsoever for undeniably heinous and illegal acts by the Microsoft corporation.

I (and every other citizen of the U.S.) have been exploited and abused by the Microsoft corporation, therefore I ask that you do more than shake your finger at them. They are undeniably guilty of very serious crimes against the American people. They are responsible for what amounts to information terrorism. Please do not encourage them to do it again and ruthlessly, by not punishing them.

If you approve the Proposed Final Judgement; you will be giving away my rights to a corporation, in the interest of money. I will be appalled, ashamed, and even afraid to live in a country where the law can be so blatantly ignored.

Sincerely,
Cerrise Weiblen
Freelance XA
1559 Taft Court
Louisville, CO 80027

MTC-00033388

From: jbrady@klune.com@inetgw
To: Microsoft ATR
Date: 1/24/02 10:20pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Jack Brady
3400 Cortez St.
West Covina, CA 91791

MTC-00033389

From: Deborah Alexander
To: Microsoft ATR
Date: 1/24/02 10:21pm
Subject: comments on emasculating anti-trust suits

When Microsoft Word shut down my entire computer in the spring of 2000, and corrupted—almost beyond retrievability—my Master's thesis—I rejoiced that the far-superior WordPerfect might NOT be put out of business by the Microsoft monopoly, if only the DOJ might prevail Now, the *new* DOJ is suggesting a "punishment" of placing this software with huge numbers of K-12 kids?

That is like giving (bad) drugs away for free. I note that *during* settlement negotiations, Microsoft shipped out a

Windows XP product that will shut down users' *entire* machines—and all other applications—if the Microsoft goes without activation beyond a set date

I also note that *since* the DOJ "settlement", Microsoft has (1) had the audacity to refuse FBI requests to Email notice of security problems in its software *found* not by Microsoft but by an independent watchdog; and (2) now admits that it suppressed information on a legal brief by failing to disclose lobbying of Congress in connection with your anti-trust suit.

Why are these wealthy monopolists continually hiding information and thumbing their collective noses at our administration—without any apparent consequences? As a law student at Rutgers, I am looking forward to seeing an ultimate anti-trust victory by the states which bravely refused to be co-opted into DOJ's settlement.

I hope you will make the right decisions for a *true* capitalist democracy and prove those pundits wrong who point to the proposed DOJ settlement as proof that Microsoft campaign money bought the same level of power in this administration as had Enron... This is your opportunity prove us wrong, and avoid making a desperately bad settlement even more embarrassing.

Sinceley,
Deborah Alexander
75 Hillcrest Road
Warren, NJ 07059

MTC-00033390

From: James Puckett
To: Microsoft ATR
Date: 1/24/02 10:25pm
Subject: Microsoft Settlement

Dear Sir or Madame,

Please do NOT move forward with the proposed Microsoft antitrust settlement. In its current form, the settlement proposed by the Department of Justice will do little to break Microsoft's monopoly. By only restricting Microsoft's behavior toward other commercial entities, you restrict Microsoft's behavior toward a group of companies it has already conquered and will have little trouble continuing to dominate.

Open Source and Free software are the only real competition that Microsoft has left in this world; and because that work is non profit, developers of said software will receive no protection in your proposed settlement. Given free reign to attack Open-Source and Free software, Microsoft will flex all the muscle it can to destroy products like Apache, Samba, Linux, and anything else that Steve Ballmer and Bill Gates feel threatens their company's monopoly.

You MUST move to an alternate remedy. First, Microsoft should be split, just as judge Jackson recommended, so that the Office and Windows monopolies can no longer be used to strongarm users, vendors, and OEMs toward both products. Second, Microsoft most open the workings of their APIs and networking protocols so that they cannot constantly work to shut out others in such simple areas as file sharing and network domains.

Please do not sell out the future of computing, the internet, and who knows what else to Microsoft. Microsoft's guilt and

arrogance are obvious in this case, and if a real punishment is not issued, the Microsoft monopoly will only get worse, and will be abused even more.

America needs you. Stop Microsoft now. Thank you.

Sincerely,
James Puckett
12010 Waterside View Drive
Apartment 34
Reston, VA 20194

MTC-00033391

From: john campisi
To: Microsoft ATR
Date: 1/24/02 10:26pm
Subject: Microsoft Antitrust

There is an opportunity at this juncture to demonstrate that the Laws of the Land are enforced and fairly applied regardless of monetary or political clout. There has been a determination of violation of the antitrust statutes by Microsoft. A remedy must be imposed that is significant and serves to correct the market imbalance caused by the violation. Due to the advanced stage of market domination achieved through monopolistic practices, it is imperative that remedies must be focused on opening and leveling the playing field. Such remedies must be continuing and monitored for effectiveness and should not be restricted to one time financial penalties (no matter how large).

It is clear that a meaningful remedy will have similar aspects as affirmative action. Effectively, it is necessary for Microsoft to be put at a disadvantage to its competitors until sufficient balance in the market is achieved for open and fair competition to succeed. Aspects to consider include:

1. Limitation of the practice of the bundling of software with hardware purchases to allow consumer choice without incurring cost penalties.
2. Ensuring that the details of the structure of the Microsoft operating system and industry standard application file structure is made available to all application developers to equal extent.
3. Requiring Microsoft to provide application programming interfaces to its operating system for use by application developers of all types.

MTC-00033392

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,
Jon Reuter
Consulting Engineer
CC:attorney.general@state.mn.us@inetgw

MTC-00033393

From: Dave Neu
To: Microsoft ATR
Date: 1/24/02 10:33pm
Subject: Microsoft Settlement

I dislike the proposed settlement, and find it alarming on a number of points which are, I am certain, well documented in Dan Kegel's open comments letter.

Thanks for your time.

Dave Neu

It is tempting, when the only tool you have is a hammer, to treat everything as if it were a nail.

Abraham Maslow

MTC-00033394

From: Denny
To: Microsoft ATR
Date: 1/24/02 10:34pm
Subject: Microsoft Settlement
The proposed settlement is bad idea.

MTC-00033395

From: Robert Koster
To: Ms. Renata Hesse
Date: 1/24/02 10:40pm
Subject: Microsoft Settlement
Robert Koster
11341 Brunswick Way
Santa Ana, CA 92705-2311
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Robert A. Koster, Ph.D. (computer science)

MTC-00033396

From: Jonathan Lupa
To: Microsoft ATR
Date: 1/24/02 10:40pm
Subject: Voicing opposition to the current MS settlement.

As a professional win32 software developer, there are many aspects of the settlement that I find troubling not least of which is the fact that the government is entering into a conciliatory agreement with a proven monopolist who has committed crimes and flaunted previous consent agreements.

To save both our time, I will mention just one of my many grievances which is that without a structural change in the management of API vs. Application layer within the windows operating system, any remedy found by the agreement will only be temporary as it leaves open the door to further abuse of their monopoly position to price and engineer competition out of the win32 product market.

I apologise for not entering a technical breakdown of the reasoning I used to reach

this conclusion, but in the short time you have to review these letters, I doubt you will find the time to check everyones logic. I wish you the best in your endeavours on this project.

Respectfully,
Jonathan Lupa
Senior Win32 Developer
Creative Solutions Inc.
jllupa@jamdata.net
GPG public key available from <http://lupavista.jamdata.net/gpg.asc>
or a keyserver near you.

MTC-00033399

From: David Anfinrud
To: Microsoft ATR
Date: 1/24/02 10:45pm
Subject: Microsoft Settlement

I feel that this case is unjust. Innovation is being hurt by these litigations. It appears that people just want to take all of Microsoft's war chest that allows it to continue to innovate even more. What will happen if we have no Microsoft. Will innovation continue. Microsoft has been a leading edge in the last few years.

I was a Netscape user I paid for my copy of Netscape in spite of the free Internet explorer. I supported the company I respected. Until they provided a poor product during several upgrades. Each time I loaded the latest and greatest it had even more problems than the previous product. When that took place the third time I stopped using it. A company has to earn my money. They need to innovate. I had so many crashes and problems with Netscape I said enough is enough. No matter how good they said they were if it doesn't work it is not worth having or paying for. It was the innovation and the improvements that made the difference not the cost. I want something that works not something that was hit and miss.

I have used a large number of Word Processors in my time. I was a big fan of Word Perfect but again innovation started to disappear from the product. I also owned the complete Word Perfect Suite. I paid for a quality product. At that time Word Perfect was the innovator that Microsoft had to compete against. In the early years no one could touch Word Perfect Office. Now I can't compare the two. Microsoft has developed a better Office suite. Now Microsoft Office meets my needs. Word Perfect is still dear to my heart but again innovation is what has won out. I will stay with a company only so long. Today It is Microsoft Office. Tomorrow who knows but it had better be a better product than what Microsoft has developed. Innovation again wins out. It was the way the companies see about developing their products. Yes Microsoft was aggressive but is it not true in any business. You find where you are lacking and improve the weakness and innovate.

Today Microsoft is the Leader. They are looking ahead. While the competition should be improving their own products they spend money and political favors to try to prevent the next series of innovations from taking place. Is it the interest of the public to prevent a better product from being developed because those who don't want to innovate feel they are being cheated? Are we

to provide poor quality items instead of excellent ones? Where is the public interest in that? What is happening behind the scenes? I see congressman trying to destroy Microsoft in favor of companies in their own states.

I believe it is in the best interest to get this court case over with. Enough is enough. Resources that could provide a better product for Microsoft Users is being hindered and given to lawyers. The only winners here are the lawyers, a few non innovating companies, and the states but not the public. Every one wants something. There are a number of companies out in the market who practice even worse monopoly powers.

They just don't have the exposure. This case has hurt the Tech sector of the economy. It still provides a drag with no end in sight. In a middle of a recession and still the good of Microsoft and its present day accomplishments are demonized because of what happened years ago.

Sincerely yours.

David A. Anfinrud
234 243rd Ave SE
Sammamish, WA 98074

MTC-00033400

From: John C. Stilin
To: Microsoft ATR
Date: 1/24/02 10:52pm
Subject: Microsoft Settlement: Now AOL Sues For Netscape?

I seem to recall that the Netscape Navigator Browser could be downloaded free from the Netscape Web site and oh by the way they forced you to accepted it with a home page default set to Netscape. Did anybody ever bother to check how many people paid for the free browser per the Netscape agreement? How can Netscape claim harm when Microsoft priced their product Internet Explorer to equal that of Netscape? How do you undercut free? Just goes to prove if you can't compete in the high tech industry, forget personal accountability, blame somebody else and sue. It's the American way.

Let's not waste more taxpayer dollars in this matter just because Netscape doesn't know how to run a business.

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425.922.3435 cel

MTC-00033401

From: Jerry Higdon
To: Microsoft ATR
Date: 1/24/02 10:53pm
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I hope that the Justice Department will stick by the settlement it has reached with Microsoft. I feel it's a fair and just settlement and I hope that you urge the rest of the states who haven't yet settled to do so. Microsoft has been put through the ringer for long enough and it's high time to end this whole mess and let them get back to business. The settlement is reasonable enough not to hurt them to the point where they are forced to go out of business but is harsh enough to

silence most of their critics. For example, Microsoft will have to share information about the internal workings of its Windows operating system, which will allow computer makers to more easily install non-Microsoft software on Windows-based machines. This is harsh, but it is still better than Microsoft being broken up into little pieces.

The settlement will appease all interests in the Microsoft antitrust case. I support it, and hope to see it finalized soon. Thank you.

Sincerely,
Jerry Higdon

MTC-00033402

From: divinegigi@pop.earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:06pm
Subject: Microsoft Settlement

To whom it may concern:

I am writing to express my concerns regarding the proposed settlement between the United States Department of Justice and Microsoft Corporation regarding the finding of antitrust activities of Microsoft.

I am highly concerned that through the predatory actions of Microsoft, Microsoft products are the de facto standards for many areas of personal and business computing and office work. The barriers to competition raised by Microsoft through its intertwined operating system, network products, and Office Suite make it nearly impossible for any competitors to arise in these areas. I am personally quite disappointed in the quality of these Microsoft products, and would be quite willing to purchase alternatives if they existed.

I believe that without remedy the situation with Microsoft dominance of whatever product lines they choose will become worse. I believe that the present remedy proposed by the DOJ will do nothing to improve this situation, or curb Microsoft's predatory practices. In the interest of brevity, I will discuss the one remedy that I find most important. In an office environment, I find that the use of alternatives to Microsoft products, (Macintosh, Linux, or Office alternatives) is limited by the practical limitations of transferring data (email, documents, etc) from a Microsoft platform to a competitive platform. That is, for me to function in a modern office environment, any documents I send to others must open flawlessly by Microsoft products; any documents sent to me by Microsoft product users must be opened flawlessly by me. Since Microsoft keeps its data standards proprietary, it is nearly impossible to develop a 100% compatible alternative.

Through its practices, Microsoft now dictates the de facto standards for email, word processing, spreadsheets, and presentations. I would urge the DOJ to find a remedy that would force Microsoft to make their format an open standard, readily open to competitors to use. Microsoft would not be forced to turn over sensitive information to competitors on their products; rather, they would be compelled to enable functional competition within data formats that they have made as industry standards through their practices.

I am sensitive to Microsoft's claims that their know how in application software

should be preserved. I am much more interested in enabling competitors to build programs that can compete with Microsoft by being compatible with Microsoft file formats. Data must not be captive to one company and format, but be transferable across different formats and systems. The DOJ has it in its power to enable this competition into the future.

In any case, the current proposed settlement is horrible, so I do urge its rejection.

Sincerely,
Paul Drzaic
Morgan Hill, California

MTC-00033403

From: Codifex Maximus
To: Microsoft ATR
Date: 1/24/02 11:07pm
Subject: Microsoft Settlement
To whom it may concern and:
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001,

I am concerned with the length of duration of the judgment as proposed in the Proposed Final Judgment against Microsoft. Microsoft has shown a contempt for consent decrees and judgments in the past and based on past experience will probably do so again.

I am alarmed at the impunity in which Microsoft acts in the information and technology spheres. It would seem to me that Microsoft is attempting to usurp the constitutional powers of the United States Government—is not disregarding the rule of law such an action? Should Microsoft not abide by a decree or judgment until it is overturned or nullified rather than continuing business as usual while the wheels of justice turn? To contain such activities, I've constructed an example of an alternative duration of Judgment. Bear in mind that I am not a lawyer.

Duration of Final Judgment

This Final Judgment shall remain in force until Microsoft has been judged, by the tripartite oversight committee and the court of jurisdiction, to have maintained compliance with this document (final judgment document) for an initial 5 years and for 2 additional years for each adjudged infringement of the controls in this document. Each adjudged infringement of the controls in the Final Judgment document, by Microsoft or its entities, shall also have a financial penalty assessed. Such financial penalty is to be determined by a schedule of penalties determined by the tripartite committee and the court of jurisdiction. The penalties shall in no way deprive lawful entities under the jurisdiction of the United States of America of their civil right to suit.

I am a Citizen of the United States of America and I wish to remain in command of my rights and liberties as guaranteed under the Constitution and the Bill of Rights including all statutory and common law rights. I pray that the Department of Justice will protect these rights by ensuring we have a free and competitive market in information as well as other technologies.

Sincerely,
Bennie Gravitt
codifex@charter.net
Phone: 817-946-2332

MTC-00033404

From: dlshort@stargate.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:08pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
David & Lisa Short
4340 State Route 193
Cherry Valley Township
Dorset, OH 44032

MTC-00033405

From: dquinn1398@earthlink.net@inetgw
To: Microsoft ATR
Date: 1/24/02 11:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001
Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen. Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Denis Quinn
1578 11th Avenue
San Francisco, CA 94122-3615

MTC-00033406

From: Brent Casavant
To: Microsoft ATR
Date: 1/24/02 11:17pm
Subject: Microsoft Settlement
Date: Friday, January 25, 2002

Submitted to the United States Department of Justice, in accordance with the public comment period provided by the Tunney

Act, in regard to the case United States vs. Microsoft (Civil Action No. 98-1232 (CKK)).

Introduction Comments upon the proposed Final Judgement in its whole If there is one striking feature of this proposed Final Judgement, it is the lack of any form of punishment or restitution imposed upon Microsoft such that it forfeits the gains due to its anticompetitive practices. The remedies therein provide only for behavioral modification and oversight, but fail in any manner to deny Microsoft the fruits it has enjoyed from its illegal behavior.

While I do not propose a specific punishment, I believe it is in the interest of the United States, its citizens, and all commercial entities to discourage anticompetitive practices. Unless this proposed Final Judgement is significantly strengthened the provisions will serve as little more than a "slap on the wrist". This sends a clear message to all monopolies that the law may be freely flouted and disregarded as long as legal proceedings can be sufficiently drawn out to firmly enthrone the monopoly in an unassailable market position. More importantly, this sends a clear message to Microsoft that it may do so again at any time it should so choose.

There is also a specific behavioral and punitive remedy which is notably lacking from the proposed Final Judgement which should be considered for inclusion. Microsoft has achieved large portions of its market dominance through "locking in" end users to its proprietary application (i.e. Word, Excel, Powerpoint) data file formats, and through making incompatible changes to such formats, forcing end users into purchase of new application software to conduct business with other parties.

This could be remedied through either of two means:

Require Microsoft to make available, in a timely manner, all information regarding application file formats necessary for third parties to develop software which is capable of interoperating with the Microsoft application software.

—Require Microsoft to implement, as the default and preferred option, file formats which are trivially reverse-engineered by third parties for the purpose of interoperability.

In either case Microsoft should be required to assign licenses to any intellectual property needed to properly implement software which can interoperate with the Microsoft application software. There is another area of general weakness in the proposed Final Judgement. Underlying the entire judgement is a presupposition that only for-profit commercial entities will enter into licensing agreements (either explicitly or through the purchase of Microsoft products and services). However, there is a large and increasing number of not-for-profit organizations which develop software (typically so-called "Open Source" software) which is distributed free of charge. Such organizations cannot in and of themselves wield the financial incentives necessary to cause Microsoft to provide them the documentation or intellectual property rights necessary to implement software which is interoperable with Microsoft products.

While Microsoft certainly has a reasonable right to expect compensation for its efforts, research, development, and intellectual property, it is also clear that they will use their monopoly position to choke out any competition from these not-for-profit organizations. The proposed Final Judgement should be amended to provide for the release of information necessary for interoperability to these not-for-profit organizations. This is only one of the many ways in which amends can be made for the anticompetitive practices of Microsoft, and to take some small bite out of the fruits of their illegal behavior.

Comments upon specific provisions of the Proposed Final Judgement Section III.E The terms of this section are inadequate to address harms and disadvantages already imposed upon third parties with regard to Communications Protocols. Microsoft has demonstrated with regularity that it will modify existing protocols, both those of its own design (i.e. the SMB protocol) and of other widely accepted protocols (i.e. the Kerberos protocol), with tenuous technical justification. While one cannot adequately judge Microsoft's every intention in such matters, it is often clear that these decisions do little more than lock out competitors from interoperating with Microsoft products.

As such, the remedy in Section III.E should be amended to cover existing protocols for current Microsoft Windows Operating System Products. This section remedy also fails to address the terms under which these Communication Protocols must be made available to third parties. There is no provision that such disclosures must be made under reasonable or fair terms to the third party. This inadequacy should be addressed so as to prevent Microsoft from circumventing the spirit of this order by an action as simple as making the price of such information practically unobtainable for all but the largest of ISVs.

Sections III.H.1 and III.H.2

These provisions are inadequate to the extent that they do not stipulate that Microsoft must reasonably ensure the correct operation of the specific Windows Operating System Product after these actions are taken. This section should also restrict Microsoft from displaying alarming messages or languages which would serve to dissuade end users from utilizing Non-Microsoft Middleware Products.

Microsoft has demonstrated its willingness to deliberately compromise the stability of their own software products in order to discourage the use of third party software. This was demonstrated most clearly in the early 1990's when they implemented checks for the DR-DOS operating environment in their Windows Operating System Products. In this case an alarming message was displayed to end users which served to discourage use of the DR-DOS product, and the Windows Operating System Product was (anecdotally) deliberately designed to interoperate poorly with the DR-DOS product.

Section III.H.3

There is little technical justification for the arbitrary limit of 14 days, after which Microsoft Operating System Products may

automatically prompt the end user to confirm alteration of an OEM's configuration. While it is certainly justifiable to allow the user to cause the Operating System Product to revert to a Microsoft-specified configuration, it is not reasonable to automatically ask the user to confirm or prohibit this reconfiguration.

As such, this provision should be amended as to prevent Microsoft from implementing a system which prompts the user to restore Microsoft-specified configurations, unless the end user has initiated a deliberate action to cause this to occur. That is to say, the end user should need to initiate the action which causes a Microsoft specified configuration to be restored.

Section III.H.2 (second set of numbered items)

This section allows a Windows Operating System Product to invoke a Microsoft Middleware Product in a case where the Non-Microsoft Middleware Product fails to implement certain technical requirements.

This section should be amended to include language which prohibits the Windows Operating System Product from taking this action due to additional technical requirements imposed after release of the Non-Microsoft Middleware Product. That is, Microsoft must be prevented from requiring ISVs to update previously compliant (by the terms of this provision) products. This limitation, however, should not apply in the case of a major revision of the Windows Operating System Product.

Section V.B

Microsoft has demonstrated a remarkable ability to delay and hinder legal proceeding against it. As such this provision should be amended to provide for an indefinite limited term extensions of the Final Judgement while any legal proceedings against Microsoft according to this provision are underway. Such an amendment should also provide that the Final Judgement will expire no earlier than one year after the date of termination of such proceedings, in order to further ensure compliance.

Background and contact information I am interested in this matter as a long-time technology enthusiast and worker. My formal education is in computer and electrical engineering, and my work experience and personal interests have given me a deep understanding of the technical merits and considerations involved in software development, particularly in the area of operating systems. I am currently in the employ of a major computer systems manufacturer and vendor, a competitor in some fields with Microsoft, with my engineering work focusing on operating system software development.

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MTC-00033407

From: David Stoddard
To: Microsoft ATR

Date: 1/24/02 11:21pm
Subject: Microsoft antitrust case

As a graphic designer and a college teacher I deal with web page production on a regular basis. It is my experience that Microsoft's web browser Internet Explorer has default settings which are designed to force designers to depend on Microsoft products for web page development.

By setting the default size of html text to a large size Microsoft insures that text will appear too large and therefore may cause some designs which depend on sliced images in tables to have gaps or otherwise be distorted. To compensate for this designers may have to reduce the size of type to such a small size that it becomes difficult to read on other browsers. This effectively makes it difficult to design for any browser but Explorer and makes using non Microsoft development tools require extra steps. Since the other development tools are often more intuitive to use than the Microsoft tools, not going through the extra steps requires designers to use less effective products.

Undermining the standard in order to control the market seems to be Microsoft's main method for success. The strategy seems to be irritation over innovation, This is such a bad practice. Internet Explorer is a great product. So, I can't tell if it is greed or paranoia that motivates Microsoft to attempt to control all aspects of the web where software is concerned.

Practices such as this should be regulated or punished. Unfortunately, no one is in a position to punish Microsoft in the market place. It would be good if government would do its job. If corporations could be trusted to do the right thing we would not need government. I think we need to see something better than a slap on the wrist or rewarding Microsoft by giving them a sure method of getting their products into schools without competition. How does this change things for the better?

David Stoddard
a concerned citizen

MTC-00033408

From: James M. Corey
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft settlement

Hello. I'm an engineer currently working in the computer field. I received my Master's degree several years ago, and am now raising a family in Oregon.

Know that I have been following the adventures of Microsoft for over 15 years now, and for the past 9 years I have been acutely aware of disturbing behavior evident in Microsoft's business practices. So I started to pay more attention to them, and what I saw I did not like. For the past 5 years now, I have avoided using their products, which is not an easy thing. I hardly need to go into detail about the damage they have done to technologically valuable initiatives such as the Java portability initiative, the world-wide-web connectivity initiative, and now the public-interest software initiative (by which I am referring to the recent trend toward volunteer software projects by and for computer users, under the open source licensing agreement that Microsoft has begun to lobby against).

The trouble they have caused for hundreds of specific competitors, large and small, pales in comparison to the damage and stunted growth they have caused to the industry in general, and thus, to the populace. I think we can agree that for all its shortcomings, computer technology has brought many benefits to the modern world. I take seriously the threat posed by Microsoft to our national information infrastructure, and also the harm they have done to the progress of the computer industry in general. I take offense at their attempts to lay claim to the modest progress that has been made, in many cases despite their own efforts.

You might think it odd to hear these comments from an employee of Intel, a company seen as "co-conspirator" of Microsoft, at least in the eyes of the PC consumer. Intel is a company that seeks to be selected by consumers as a matter of choice, and indeed the consumers currently have several choices in this regard. Intel has expressed interest in the availability of similar choices in PC operating systems, such as with their interest in NeXTStep and their interest (and investment) in RedHat.

However, these software ventures can not succeed in the current Microsoft-controlled climate. So, Intel is stuck with Microsoft at the helm. In fact, there is now a strong atmosphere of fear within the "troops" at Intel regarding internal departure from Microsoft products, as though Microsoft has the resources and inclination to chastise us.

I can only hope that such is not the case. However, apparently Microsoft has expressed disapproval on several occasions regarding Intel projects that don't fit in with Microsoft's plans, resulting in lost opportunities for Intel. I ask you, if such large companies as Intel, IBM, and HP are frightened by Microsoft, where does that leave the consumer? Unfortunately, the public assumes our complicity is voluntary, but the truth is, it has not been entirely voluntary, nor has it been very conducive to progress. Thus our reputation suffers indirectly, by association.

But I seem to be beating a dead horse. By my understanding, the crimes of, and harm caused by, Microsoft have been established. The issue is apparently what response to provide.

I read about the dismissal of Judge Jackson with some distaste, but not nearly as much as when I heard the new proposed penalty of giving Microsoft software to primary schools. As the PENALTY? This seemed like a joke in very poor taste. The idea could only have come from Microsoft. It is hard for me to understand how they could be so lucky in escaping justice. It seemed almost as if they were being rewarded rather than punished. Something is very wrong with the way these events have been developing.

So I had my doubts when I went to review the proposed final judgment at <http://www.usdoj.gov/atr/cases/f9400/9495.htm>, but I am glad to see it seems to contain some restrictions. Unfortunately, it doesn't seem restrictive enough to be effective. Microsoft has continually acted in flagrant violation of the law; they obviously think it is their right to act as they have acted. If they are not dissuaded more effectively, two things will result. First of all, I fear others will conclude

that no one including the United States government can stand up to Microsoft and their lawyers, which will lead others to fear Microsoft even more than they already do. Secondly, it will continue a dangerous precedent of tolerance, of which other large organizations may take note.

I notice that the protections afforded by the judgment are heavily slanted toward middle-ware, which seems like an unnecessary distinction. Microsoft has described web browsers as an intermediate platform and API for software applications to run on, thus falling broadly under the category of middle-ware, but this is heavily colored by their fear of how quickly a combination of Java and a web browser could erode customers' dependence on their own products. Yet, the main purpose of a web browser is simply to provide a multimedia, hypertext interface to information on the web. A viewer with one-way interaction, not an operating system. Nor any kind of middle-ware, unless you consider a document viewer to be middle-ware, as it is with a Microsoft Word virus. There has been, and continues to be, a need for safe web browsers which limit the damage that can be caused to the user's computer simply by viewing a document on the web. In typical fashion, Microsoft ignores this simple need of the consumer in favor of their own selfish need to usurp control of the web viewer (and eventually web server) industry and prevent it from threatening their customer lock-in. Consider, though, that the result is the same as for many other important types of software in which they have taken an interest. Movie software, for instance, is their current target. Soon, they will take over that market and control it as they have so many others.

If for some reason they should find it convenient to portray it as middle-ware, then their new operating systems would suddenly have an increased emphasis on 3D, animated interaction, thus making the multimedia layer integral to the operating system, and the computer software universe will warp to their will. But I digress. The middle-ware distinction is arbitrary.

Even so, if the protection must be limited to middle-ware, the restrictions are so specific regarding which product and which scenario, that they will soon be outdated and ineffective. Here are some specific points I came across:

*. III in general, is much too kind in its careful elaboration of exactly which scenarios Microsoft isn't allowed to retaliate in. It should instead have simply barred Microsoft from retaliating against business partners for any business choices they make, by mandating a fixed price, and prohibiting the practice of selectively distributing copies of their operating system as though the supply were limited. There was no mention of this latter practice, as far as I know.

*. III.H.1 is clearly addressed to one symptom of the squeeze-out behavior. I fear that after so much worrying over one particular tactic used by Microsoft, that they will simply emphasize other tactics or invent new ones. The basic behavior of misusing their advantage must be addressed, as well as these particular methods they have come to rely on. The exceptions to III.H would appear

necessary only from the viewpoint that wishes to preserve the advantage of Microsoft middle-ware over non-Microsoft middle-ware.

The second exception, in particular, is so open-ended and convenient for Microsoft, that I suspect it will undo even the limited protection which III.H is meant to afford.

*. IV.B.10 and parts of IV.C.3 suggest a very limited disclosure of Microsoft's dealings with the compliance enforcers (i.e. TC). Taken together, the picture is that of a company whose run-ins with the law are kept private. Of course this has the advantage of limiting impact to Microsoft's public image, but this is also a disadvantage. By keeping such things private, an aspiring developer, or even a consumer, is kept in the dark about dangerous situations that may be quite relevant to their own involvement with Microsoft. Also I see no reason why only officers and directors should be briefed regarding the TC. Shouldn't all Microsoft employees be aware of the arrangement?

It sounds so secretive. If there is some other reason for such details, please forgive my ignorance.

*. IV.B.8.b.i is illustrative of the surplus care which has been taken to avoid impacting Microsoft. In effect if the TC wishes to talk to an employee, it will likely be categorized as an interview, notice will have to be served to Microsoft, and the employee will almost certainly be accompanied by a Microsoft lawyer. Although I wouldn't dare to suggest that anyone at the company would ever lie, on the record or off, I have to wonder what kind of incriminating evidence one would expect to gain from such a conference. From a theoretical point of view, I have some trouble imagining how the employee's career could legally be defended from taking a wrong turn if information were disclosed.

*. VI.N.ii—Limiting protection of non-MS middle-ware to those with one million copies distributed during the previous year seems to imply that only large, well-established players will be protected. New ventures must then fight an uphill battle. Unfair.

*. V. The extension clause doesn't help much. Of course, 5 years is a long time, but not long enough. Now, if one has to get court consensus to extend by a year, I presume that the usual delay tactics could push the decision itself past one year anyway. I would have thought that if the TC had to lift one finger against Microsoft, that alone should be grounds for another 5 year extension, with no limit. I suppose the interest is in figuring out how Microsoft will circumvent the measures in the short term, which may well be the most pertinent question.

These are examples of the things that worry me when I read the judgment. I haven't the expertise to analyze the document in great detail, and that is to be expected. So I leave you with my impressions as a citizen. The proposed final judgment seems to have a lot more language granting loopholes and exceptions to Microsoft, than it contains restraints upon them. Having read this document, I fear that it is not strong enough to stop Microsoft's criminal behavior. I am dissatisfied with the judgment, even to the point that I felt slightly ill when I first read it. People are joking that Microsoft has gotten

off pretty easy, and it does indeed look that way. I think Microsoft has had too much input into the proposed final judgment.

If you want my recommendation, focus on the fact that Microsoft's lock on the market, and its power over competitors, rests fundamentally on its control of standards. The only way I know of to wrest that control from them is to let an independent party, perhaps a government laboratory, to write the standards and make them publicly available for all developers and companies to work with. That would provide a positive and healthy result from this massive embroilment. This should be done regardless of whether Microsoft is to escape direct penalization.

As a prologue, after writing the above, I checked on the web for other opinions on the settlement, and it appears that I naively missed many deeper problems. In order that my correspondence not be unduly influenced, I have not rewritten it, but the situation is worse than I realized. As worded, the judgment may even work in Microsoft's favor, rather than merely failing to curtail. Please, do not let this travesty continue unchecked.

James M. Corey
jmc Corey@ptdcs2.intel.com
Intel, Ronler Acres Campus (Oregon)

MTC-00033409

From: Clark Morgan
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft Settlement

Hello. I am an independent software engineer (i.e., contractor) who lives in Hillsboro, Oregon. I wish to comment on the proposed Microsoft Settlement.

I believe that the potential effects of the proposed settlement can be easily judged by the responses from the monopolist (Microsoft) and its adversaries (the nation's computer software industry): Microsoft is delighted and the computer software industry thinks the settlement does nothing to rein in Microsoft's abuses.

Conversely, the last time I recall that the United States successfully prosecuted a monopolist, the affected party (AT&T) bitterly complained about the proposed remedy. The fact that Microsoft thinks this settlement is wonderful should give the court pause, to ask a very simple question: Is the court being played by Microsoft?

In my opinion, the answer is a definitive "Yes." In my opinion, if the court does not take decisive action to punish this company for its anticompetitive practices, then Microsoft will never again fear retribution for its actions. I hope the court will recall the long list of companies that Microsoft has crushed, including: WordPerfect (now Corel), Lotus, Novell, Apple, Stac, and Netscape. If nothing is done to hobble this monopolist, then once its "punishment" phase is over, Microsoft will never, ever again fear government intervention and/or regulation. After all, if a company gets convicted as a monopolist and walks away with a "delightful" settlement, what should it worry about in the future?

Recall that when AT&T was broken up, the long distance market was opened to

competition, which lowered long distance rates to extremely inexpensive rates. For example, I currently pay \$0.05/minute for long distance calls placed in the evenings and all day on weekends. If AT&T still held the monopoly for long distance, I—know—I would not have access to \$0.05/minute calls.

As things stand now, Microsoft is the AT&T of the software industry. Every new release of its Windows operating system is the same price: \$90-\$100 for an upgrade \$225 for a complete release Every new release of its office suite is the same price: \$200-\$225 for an upgrade \$400 for a complete release Where is the competition? There is none, which is the consequence of buying from a monopolist. The court has a chance to step in here and squelch this monopoly. Please don't let Microsoft dictate the terms of this settlement.

Respectfully,
Clark O. Morgan
346 NW Treglown Ct.
Hillsboro, OR 97124
(cmorgan@aracnet.com)

MTC-00033410

From: Ethan Larson
To: Microsoft ATR
Date: 1/24/02 11:22pm
Subject: Microsoft Settlement

Microsoft is a proven monopoly. Its illegal practices are a detriment to innovation. Microsoft's continuance as a monopoly, which the current settlement has assured, will be a hindrance to the market, not an aid.

Sincerely,
Ethan Larson

MTC-00033411

From: Dim-skies
To: Microsoft ATR
Date: 1/24/02 11:34pm
Subject: aol vs. microsoft

Dears Sirs,

I think the AOL lawsuit is just another attempt to bleed a successful business, when you can't compete. I feel that a monopoly is when the consumer has nowhere else to turn. If I don't like my cable, or phone company, where do I go? Granted, other OS's aren't as pervasive, but they are available. That is hardly the same as "not available". AOL paid big money for a loser, and now they want help. What has happened to America? This is just another shameful example running to the Government for help for everything, including stupidity.

Sincerely,
Tom Wong
Port Orchard, WA 98366

MTC-00033412

From: gaslgs@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:40pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough. Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case

against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user. This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Grace Stewart
5312 Bethany Way
Lakeland, FL 33810-1827

MTC-00033413

From: DEUTCHMN@aol.com@inetgw
To: Microsoft ATR
Date: 1/24/02 11:52pm
Subject: Microsoft Settlement
Gentlemen:

I have resided on this planet for a series of decades. I have managed to live through the era of governmental regulation of monopolies such as railroads, steel, oil, airlines, telephones, and utilities. And I have seen the results. Competition unfettered by regulation works well, as Adam Smith predicted. But when the legal system enters the economic arena, it is a sore losers contest where only the legal profession benefits.

I have used and abused both browser systems, and like Beta-Max and VHS, one will survive...BUT LET IT BE THE CONSUMER, not the courts which determine this end. I have always had a distinct distaste for the mink in the duck pond which destroys purely for the sake of destruction. And that is the aim of AOL in this matter...Despicable at best.

Sincerely,
Craig G. Pause & Trinidad Brown

Note: Our family does own shares in both corporations...I may dump AOL on ethical grounds alone.

MTC-00033414

From: J. Lucha
To: Microsoft ATR
Date: 1/24/02 11:54pm
Subject: Microsoft Settlement

I was in complete shock and outrage when I first read the Proposed Final Judgment.

I've been a computer programmer for the last six years, and have been a computer hobbyist for more than twenty.

I have used virtually every type of computer software and hardware during those years from Microsoft and its competitors. Unlike the general public, I have first hand experience with most of the products that Microsoft has destroyed over the years through anti-competitive practices. In many cases, the competitors product was superior. There is no doubt in my mind that Microsoft has held the computing industry back more than ten years. Our world will never know what could have been achieved had the computing world not been crippled.

The settlement fails to provide the remedy needed for a healthy, productive and competitive technological industry. In fact, it may be argued by many that the settlement actually strengthens Microsoft's monopoly

and allow them to bully those that compete with them.

Here are just a few of the many points where the Proposed Final Judgment fails:

1. First and foremost, the settlement does not address Microsoft's ill-gotten gains. Microsoft is allowed to keep billions of dollars acquired illegally. How many convicted thieves are allowed to keep their stolen goods?

2. The three person technical panel created by the settlement has some glaring problems. The first problem is Microsoft gets to select one member of the panel, who in turn has a say as to who the third member is. Sounds like Microsoft basically controls the panel. The second problem is that the panel members are not allowed to disclose any information to the public. If Microsoft is in any violation, the public will not know.

3. No punishment for the executives of Microsoft that knowingly and willingly led their company into law breaking actions. A strong message must be sent to businesses that unlawful and unethical behavior will not be tolerated. Without such a deterrent, business are encouraged to act in whatever means will lead to their greatest profits. The burden then lies upon the victims. I do not want my tax dollars constantly spent correcting wrongs that might not have occurred if the proper deterrents were in place.

4. While the API's used to communicate with the operating system will be documented and released, it will only be done for companies and business that Microsoft deems have a viable business. The Free Software movement has been acknowledged by Microsoft to be its biggest competition, yet they have publicly stated that businesses with a basis in Free Software don't have a viable business model. So, their toughest competition is excluded from the API's to begin with.

5. The duration of the restrictions is a mere 5 years, which is not a significant amount of time to reverse the detrimental damage caused by Microsoft. As a software developer myself, I can assure you it will take at least five years before a competitor can accumulate the necessary business infrastructure (funding, staff). It would probably take another five years before a useable product is developed. Also, if Microsoft is found to be in violation, there is no extension to the duration of the restrictions.

6. The settlement is full of loopholes for Microsoft to take advantage of. The main ones being the definitions defined in the Proposed Final Judgment such as API. I also find it alarming that the definitions have already been altered from the ones used in the "Findings of Facts". Microsoft has been found guilty in previous court hearings, and used the loopholes contained within those settlements to render them useless.

What good will it have done to have spent so much taxpayer money, and have nothing to show for it. For examples of ways in which Microsoft may twist the meaning of the definitions to render them useless please read <http://www.os2hq.com/archives/arch46.htm>.

7. The settlement does not address the file formats used by Microsoft's Office programs.

With each new version of Microsoft's office suite programs, they change the format of the documents created. This creates a barrier to entry for competing office software. It is also a means to force current customers in a never ending upgrade cycle, where they purchase the upgrade to be able to read the files sent to them by others, even though they themselves do not need the added features of the newer version.

A Final judgment that would be in the best interest of the consumer might include some of the following:

1. Microsoft would have to give a sum of at least \$5 billion in cash to the Free Software Foundation. One of the goals of the Free Software Foundation is to support the development of software that is a viable alternative to Microsoft's products. Microsoft has publicly acknowledged that Open Source is their most viable competitor. True competition can be brought about by helping fund the independent developers found in the Open Source community.

2. Microsoft would have to pay the legal expense of any business that brings a legal case against Microsoft during the duration of the restrictions. This would prevent Microsoft's typical defense against competitor lawsuits: stalling. There are numerous cases that have never been brought against Microsoft because the company or individual didn't have the financial resources for the long, drawn out case that Microsoft's legal army executes.

3. All Microsoft executives and managers would have to enroll in a University business law and ethics class every year at the individuals expense for the duration of the settlement. They must attain a grade of at least a "B" or they must retake the course the following semester/quarter.

4. Any specification or API that must be known to offer a competing product must be well documented at least six months prior to Microsoft's release of the product. If the specification is changed, then the product released date must also be delayed.

5. Any contract between Microsoft and the major OEM's (Gateway, Compaq, Dell), ISV's (AOL, CompuServe), etc., must be approved by an independent panel.

6. If Microsoft is to bundle application software such as Internet Explorer with their operating system software, they must also include a competing product such as Netscape Communicator.

7. The true price of Microsoft's applications and operating systems must be listed as a line item when purchasing computers. Currently the costs of Microsoft's products are bundled into the hardware costs, and the consumer is unaware of the true price paid for the Microsoft product. If the price is listed, a consumer that feels it is too much, will inquire about alternatives.

If we set forth laws, and do nothing when those laws are broken, then there is no point to have our society. Microsoft has violated the law, but the Proposed Final Judgment does nothing but ask them not to violate them any more.

James Lucha
Programmer/Analyst
Moreno Valley, CA
E-Mail: lucha@pe.net

MTC-00033415

From: Daniel Peters
 To: Ms. Renata Hesse
 Date: 1/25/02 5:36am
 Subject: Microsoft Settlement
 Daniel Peters
 175 E. 96th St. Suite 15K
 New York, NY 10128
 January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my NON-support for the revised proposed Final Judgment in the U.S. v. Microsoft case. After reviewing the terms of this judgment, the final approval is clearly NOT in the public interest. To me, Microsoft is similar to AT&T before it was split into separate Regional companies. Microsoft has too much monopoly power. It controls the operating system & writes applications for that operating system. This is an unbalanced playing field. Competitors do NOT have the same access to the operating system that Microsoft's developers have.

Please seek to create a settlement that is more advantageous to consumers.

Sincerely,
 Daniel Peters

MTC-00033416

From: Andre—A—Smith@RL.gov@inetgw
 To: Microsoft ATR
 Date: 1/25/02 6:23am
 Subject: Microsoft Settlement PLEASE READ

The only thing the Microsoft's competitors really need to level the playing field is to have access to Microsoft's file formats, free of charge or at most nominal, for the Office range of products. Without access to these they will never have the ability to compete in the corporate world. IT departments simply cannot ostracize themselves by picking an alternate OS then not having compatibility with their computers via email and document exchanges. How frustrating is it for you when someone sends you a file via email that you cannot open, now imagine that times a 1000 or 10,000 how long would you keep your customer base.

There are great products out there that major corporations simply cannot afford to use them do to the amount of work involved in getting them to be useable outside of the company by their customers and business contacts or partners. Just take Microsoft's ability to lock customers in just because that's what every body else uses.

Andre" Smith
 LMSI Solutions Center
 1981 Snyder Richland Wa 99352
 (509) 373-4207

MTC-00033417

From: Fisher
 To: MSvsusdoj
 Date: 1/25/02 7:06am
 Subject: Microsoft Settlement

In view of the fact that both District Court and Appeals Court have determined that Microsoft has violated the Sherman Act, I find it difficult to believe that the DOJ's proposed settlement in Microsoft's case is in the public

interest. As a consumer I don't understand, how does the DOJ's decision ensure that I'd be still able to obtain the platform, operating system, and other elements of computer-ware of my choice when I'm left at the mercy a single, mnonopolist, monolithic, vender for all my software needs. In my view, the DOJ's decision appears to be stilted in Micosoft's favor and appears to foster monopoly, hinder competitive innovation, and serve no meaningful consumer interest.

Most of us have lost our life's savings in Enron's case. And now, we are being asked to give up our freedom of choice in Microsoft's case.

MTC-00033418

From: PETER MENARDI
 To: Ms. Renata Hesse
 Date: 1/25/02 7:10am
 Subject: Microsoft Settlement
 PETER MENARDI
 1511 CLUBVIEW BLVD. S.
 COLUMBUS, OH 43235
 January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for

the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Peter J. Menardi

MTC-00033419

From: Don Dome
 To: Ms. Renata Hesse
 Date: 1/25/02 7:33am
 Subject: Microsoft Settlement
 Don Dome
 40 Sherry Road
 Cincinnati, OH 45251-4269
 January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Don Dome

MTC-00033420

From: Ronald Schildroth
To: Ms. Renata Hesse
Date: 1/25/02 7:36am
Subject: Microsoft Settlement
Ronald Schildroth
24658 Q Ave.
Grundy Center, Ia 50638-8519
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or

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Sincerely,
Ronald Schildroth

MTC-00033421

From: charles Sellon
To: Ms. Renata Hesse
Date: 1/25/02 7:36am
Subject: Microsoft Settlement
charles Sellon
15 Minchin Dr.
Wooburn, MA 01801
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Charles A. Sellon

MTC-00033422

From: peter russo, sr
To: Ms. Renata Hesse
Date: 1/25/02 7:39am
Subject: Microsoft Settlement
peter russo, sr
103-56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
peter a. russo

MTC-00033423

From: peter russo, jr
To: Ms. Renata Hesse
Date: 1/25/02 7:39am
Subject: Microsoft Settlement
peter russo, jr
103-56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
peter a. russo, jr

MTC-00033424

From: patricia russo
To: Ms. Renata Hesse
Date: 1/25/02 7:41am
Subject: Microsoft Settlement
patricia russo
103-56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
patricia agnes russo

MTC-00033425

From: patricia russo
To: Ms. Renata Hesse
Date: 1/25/02 7:42am
Subject: Microsoft Settlement
patricia russo
103-56 96th Street
Ozone Park, NY 11417
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
patricia angela russo

MTC-00033426

From: Jerome Brenner
To: Ms. Renata Hesse
Date: 1/25/02 7:59am
Subject: Microsoft Settlement
Jerome Brenner
3221 Windrow Lane
Matthews, NC 28105-3938
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
G. Jerome Brenner, Jr.

MTC-00033427

From: John Grein
To: Ms. Renata Hesse
Date: 1/25/02 8:00am
Subject: Microsoft Settlement
John Grein
501 Berkey Ave
Swanville, MN 56382-0126
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far

greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
John O. Grein

MTC-00033428

From: Christopher Plummer
To: Microsoft ATR
Date: 1/25/02 9:33am
Subject: Microsoft Settlement

Greetings,

I would like to submit the following as a Tunney Act comment regarding my opposition to the proposed final judgement against Microsoft: As an information technologies professional for twenty years I have observed the rise of Microsoft and noted with concern many of its anti-competitive

and monopolistic practices, only some of which have been addressed by the DOJ case.

In general I am convinced that the remedy proposed will not prevent Microsoft from unfairly maintaining its monopoly, not stop it from thwarting competition and innovation in the computer and every other industry it touches, and will not in the end prevent Microsoft from harming consumers by hindering their choices in the marketplace.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions, Fails to Prohibit Anticompetitive License Terms currently used by Microsoft, Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft, Fails to Prohibit Anticompetitive Practices Towards OEMs, and as currently written appears to lack an effective enforcement mechanism.

Please go back to the drawing board and come up with a remedy that will actually protect and benefit consumers!

Thank you,
Christopher Plummer
Lotus Notes Administrator
Independent Contractor
Flemington, NJ USA

MTC-00033429

From: Mark Ball
To: Tunney Act
Date: 1/25/02 9:41am
Subject: Microsoft Settlement

I oppose acceptance of the proposed Microsoft settlement.
mark

MTC-00033430

From: WILDING Inc.
To: AttyGen Ashcroft
Date: 1/25/02 9:44am
Subject: Microsoft Settlement
Alvin G. Wilding & Charlotte H. Wilding
P.O. Box 311
Shaw Island, WA 98286
January 25, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

We would like to take this opportunity to convey our opinion about the antitrust settlement regarding Microsoft. The United States has always been supportive of free enterprise yet now it seems the courts are looking to make an example of someone. Microsoft is a huge company so they were targeted. The lawsuit is superfluous with absolutely no basis. It has dragged on long enough and we feel it is time it was brought to a close. Microsoft has agreed to terms that are more than fair. They are willing to license the internal codes to Windows, which will make it easier for other companies to compete. They also have agreed not to retaliate against other companies who promote or produce software or hardware that competes with Microsoft.

There are many other terms that Microsoft has agreed to that simply should have been asked in the first place. If litigation is allowed to continue it would be a waste of time and money. There are more pressing matters that the court should focus its attention on. I hope that this matter is settled soon.

Sincerely,
Alvin G. Wilding
Charlotte H. Wilding

MTC-00033431

From: William Peters
To: Ms. Renata Hesse
Date: 1/25/02 10:09am
Subject: Approve the Microsoft Settlement
William Peters
13314 10th Ave. NE
Seattle, WA 98125
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
Approve the Microsoft Settlement

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after

purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
William G. Peters

MTC-00033432

From: Mark Ball
To: Tunney Act
Date: 1/25/02 10:14am
Subject: Microsoft Settlement

I oppose adoption of the proposed Microsoft settlement. The proposed settlement does not limit or reverse the monopolistic practices that brought the trial. Furthermore, the proposed settlement grants Microsoft rights that, history will show, Microsoft will use to expand its monopoly under the protection of the settlement.

I see a strong structural remedy as the only means to prevent Microsoft's monopoly from expanding into other lines of business. A structural remedy must be such that anticompetitive behavior directed at competitors will harm Microsoft equity as a natural consequence of a capital market. Most likely, this would mean that Microsoft must be divided so that post-Microsoft entities will be on equal footing as current Microsoft competitors.

Furthermore, I see continued government monitoring as impotent. I suggest that the settlement grant non-Microsoft entities who must do business with Microsoft due to Microsoft monopoly the right to sue for and recover damages when Microsoft makes unfavorable changes to their relationship due to the non-Microsoft entity's utilization of non-Microsoft software.

Mark Ball

MTC-00033433

From: Susan Peters
To: Ms. Renata Hesse
Date: 1/25/02 10:15am
Subject: Approve the Microsoft Settlement
Susan Peters
13314 10th Ave NE
Seattle, WA 98125
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and

the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Susan Peters

MTC-00033434

From: Christopher Albright
To: Ms. Renata Hesse
Date: 1/25/02 10:42am
Subject: Microsoft Settlement
Christopher Albright
P.O. Box 442
Harvey, LA 70059-0442
January 25, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely yours,
Christopher Albright

MTC-00033435

From: Denise (038) Jim Nice
To: Ms. Renata B. Heese
Date: 1/25/02 11:08am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,

Denise & Jim Nice
3801 Montevista Rd.
Cleveland Heights, OH 44121-1612
CC: Citizens for a Sound Economy

MTC-00033436

From: Martha Spielman
To: Ms. Renata B. Heese
Date: 1/25/02 11:20am
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company. Our Fort Gibson Chamber of Commerce is comprised

of 70 members, so I speak, representing their voice.

Respectfully,

Fort Gibson Chamber of Commerce
Martha Spielman, Executive Director
P.O. Box 730
Fort Gibson, OK 74434-0730
CC:
Citizens for a Sound Economy

MTC-00033437

From: Ken Wheeler
To: Ms. Renata Hesse
Date: 1/25/02 12:14pm
Subject: Microsoft Settlement
Ken Wheeler
1580 Hanwood Drive
McConnellsville, OH 43756-9592
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Ken Wheeler

MTC-00033438

From: Stephanie Smith
To: Ms. Renata Hesse
Date: 1/25/02 12:28pm
Subject: Microsoft Settlement
Stephanie Smith
518 Treetop Dr Apt 201
Virginia Beach, VA 23451
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Stephanie Smith

MTC-00033439

From: Michael (038) Sally Pickett
To: Ms. Renata B. Heese
Date: 1/25/02 12:37pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Michael & Sally Pickett
963 Morello Ave.
Martinez, CA 94553-4749
CC: Citizens for a Sound Economy

MTC-00033440

From: Ferol & Joan Baskett
To: Ms. Renata Hesse
Date: 1/25/02 12:44pm
Subject: Microsoft Settlement
Ferol & Joan Baskett
7338 S.E. Berryton Rd.
Berryton, KS 66409-9601
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Ferol & Joan Baskett

MTC-00033441

From: Donald Fogg
To: Ms. Renata Hesse
Date: 1/25/02 1:11pm
Subject: Microsoft Settlement
Donald Fogg
16 Governors Terrace
Lancaster, NH 03584
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Donald A Fogg

MTC-00033442

From: Francis Gallagher, Jr
To: Ashcroft John
Date: 1/25/02 1:22pm
Subject: Microsoft Case
Francis Gallagher
504 Truman Court
Norristown, PA 19403
January 15, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

I have been following the Microsoft antitrust case for a while now, and I have become concerned of late that the settlement reached last November will not stand. Nine plaintiff states are currently seeking to overturn the agreement and reopen the Microsoft case. This is foolishly unnecessary. I do not believe the settlement reached is unfair, nor do I believe that Microsoft and the Justice Department should be forced back into a time-consuming, expensive court battle when a perfectly reasonable settlement has already been reached. The Department of Justice has, I believe, done an exemplary job in satisfying the demands of antitrust legislation and formulating terms of agreement that are beneficial both to Microsoft and its competitors. Such a difficult task should not have to be repeated unnecessarily.

Microsoft has agreed to a broad range of obligations in the settlement, all of which allow its competitors access to the Windows operating system and protect them from retaliation on the part of Microsoft. For example, Microsoft has agreed to provide third parties acting under the terms of the

agreement with a license to applicable intellectual property rights. Microsoft has also agreed to license the Windows operating system and all its products to twenty of the largest computer makers. I do not believe any more needs to be required of Microsoft, nor do I believe that competing software makers have been left holding the short end of the stick. Everyone can benefit from this agreement, and this is why I cannot support those who feel that the settlement needs to be overturned and further modifications made.

Sir, the settlement reached prevents Microsoft from further violations of antitrust laws. I see no reason to take additional action on the federal level. I urge you and your office to allow business to return to normal and to let November's settlement carry through.

cc: Senator Rick Santorum
Sincerely,
Francis Gallagher

MTC-00033443

From: frank senko
To: Ms. Renata Hesse
Date: 1/25/02 1:28pm
Subject: Microsoft Settlement
frank senko
535 Gilford Ave.
Toms River, NJ 08753-8234
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit.

The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to

disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
frank p. senko

MTC-00033444

From: Constance Root
To: Ms. Renata Hesse
Date: 1/25/02 1:33pm
Subject: Microsoft Settlement
Constance Root
8472 Maplewood Lane
Lenexa, KS 66215
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Constance J Root

MTC-00033445

From: Sharon Foley
To: Ms. Renata Hesse
Date: 1/25/02 1:57pm
Subject: Microsoft Settlement
Sharon Foley
1609 South Lee St.
Lakewood, CO 80232
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Sharon Foley

MTC-00033446

From: Elizabeth Beyne
To: Ms. Renata Hesse
Date: 1/25/02 2:09pm
Subject: Microsoft Settlement
Elizabeth Beyne
521 Oak Street
Marquette, MI 49855
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

E F Beyne

MTC-00033447

From: Margie O. Easter

To: Ms. Renata Hesse
 Date: 1/25/02 2:26pm
 Subject: Microsoft Settlement
 Margie O. Easter
 849 Knollwood village
 Southern Pines, NC 28387-3007
 January 25, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Margie O. Easter

MTC-00033448

From: Ronald Carlen
 To: Ms. Renata Hesse
 Date: 1/25/02 2:51pm
 Subject: Microsoft Settlement
 Ronald Carlen
 4 Skyview Road
 Wayne, NJ 07470-6283
 January 25, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
 Ronald J. Carlen

MTC-00033449

From: Patricia Beck
 To: Ms. Renata B. Hesse
 Date: 1/25/02 3:03pm
 Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
 Patricia Beck
 6699 Capricorn Ln. NE
 Bremerton, WA 98311-7953
 CC: Citizens for a Sound Economy

MTC-00033450

From: erin larsen
 To: Ms. Renata Hesse
 Date: 1/25/02 3:32pm
 Subject: Microsoft Settlement

erin larsen
600 sw kenyon st #d302
seattle, wa 98106
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
erin larsen

MTC-00033451

From: Charlie Dromgoole
To: Ms. Renata B. Heese
Date: 1/25/02 3:55pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

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Respectfully,
Charlie Dromgoole
P. O. Box 2281
Abilene, TX 79604-2281
CC: Citizens for a Sound Economy

MTC-00033452

From: Thomas McCartney
To: Ms. Renata Hesse
Date: 1/25/02 4:42pm
Subject: Microsoft Settlement
Thomas McCartney
2114 C.R. 442
La Veta, Co 81055-9658
January 25, 2002 Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas F. McCartney

MTC-00033453

From: Jack A Milavic
To: Ms. Renata Hesse
Date: 1/25/02 4:50pm
Subject: Microsoft Settlement
Jack A Milavic
650 Jubilee Street
Melbourne, FL 32940

January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to strongly express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Jack A. Milavic

MTC-00033454

From: Alice Egland
 To: Ms. Renata Hesse
 Date: 1/25/02 4:54pm
 Subject: Microsoft Settlement
 Alice Egland
 131 Hawthorne Court
 Rockaway, NJ 07866
 January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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 Alice Egland

MTC-00033455

From: Chester A. Phillips, Jr.
 To: Ms. Renata Hesse
 Date: 1/25/02 5:04pm
 Subject: Microsoft Settlement
 Chester A. Phillips, Jr.
 712 Foxtail Court
 Naples, FL 34104-5103
 January 25, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Chester A. Phillips, Jr. M.D.

MTC-00033456

From: Shirley Tomich
To: Ms. Renata B. Hesse
Date: 1/25/02 5:06pm
Subject: Microsoft Settlement (Support)

Dear Ms. Hesse:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Shirley Tomich

1142 West 15th Street

San Pedro, CA 90731-3826
CC: Citizens for a Sound Economy

MTC-00033457

From: Walter Glatz
To: Ms. Renata Hesse
Date: 1/25/02 5:29pm
Subject: Microsoft Settlement
Walter Glatz
7200 Walton Road
Walton Hills, Oh 44146
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the

original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Walter Glatz

MTC-00033458

From: Gerry Cairns
To: Ms. Renata Hesse
Date: 1/25/02 5:37pm
Subject: Microsoft Settlement
Gerry Cairns
26 Millport Drive
The Woodlands, Tx 77382
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Gerry Cairns

MTC-00033459

From: Helen Orr
To: Ms. Renata Hesse
Date: 1/25/02 5:48pm
Subject: Microsoft Settlement
Helen Orr
6108 Lafreniere St.
Metairie, La 70003-3641
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Helen Orr

MTC-00033460

From: Christian S. Young
To: Ms. Renata Hesse
Date: 1/25/02 5:51pm
Subject: Microsoft Settlement
Christian S. Young
16007 Fontaine Avenue
Austin, TX 78734-2644
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Christian S. Young

MTC-00033461

From: John Standal
To: Ms. Renata Hesse
Date: 1/25/02 7:08pm
Subject: Microsoft Settlement
John Standal
440 Hao Street
Honolulu, HI 96821
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
John Standal

MTC-00033462

From: clayton patterson
To: Ms. Renata Hesse
Date: 1/25/02 7:20pm
Subject: Microsoft Settlement
clayton patterson
3420 ellenmere drive
sacramento, ca 95821-6212

January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
clayton patterson

MTC-00033463

From: Alan Lane
To: Ms. Renata Hesse
Date: 1/25/02 7:35pm
Subject: Microsoft Settlement
Alan Lane
2931 Pine Cone Circle
Clearwater, FL 33760
January 25, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Alan Lane

MTC-00033464

From: Fred H. Greenwood
To: John Ashcroft
Date: 1/25/02 8:24pm
Subject: RE: Microsoft Settlement
BlankDear General Ashcroft:
Please read the attached letter.
Thank you, and sincerely yours,
Fred H. Greenwood
FRED H. GREENWOOD
7 Kirkwood Road, West Hartford, CT 06117-2830
TEL (860) 232-7894
E-mail: fhgreenwood3@attbi.com

January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Dear General Ashcroft:

The purpose of my letter is to express my support for Microsoft in the three-year antitrust dispute. Microsoft is a company that I admire, and whose products I use daily, both for my business as well as in my private life. Microsoft has contributed a great deal to our society and daily lives; stifling this company will not benefit anyone. I urge you to support the settlement reached in November. I also think it is disgusting that Mr. Blumenthal and several other states' Attorney Generals are still pursuing this case.

This settlement is fair and reasonable. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with programs included within Windows. Microsoft also has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows. Additionally, Microsoft has agreed to be monitored for compliance. In my opinion, Microsoft has done nothing that has hurt me as a consumer and as the owner of a small business.

Since a settlement has been reached between both parties, I see no reason to prolong this dispute. Our nation's resources, especially at this time, should be devoted to more important issues. I think that you, personally, as well as your staff, are doing a great job for our country! Thank you for your support.

Sincerely yours,
Fred H. Greenwood
C:\win\temp\microsof.doc

MTC-00033465

From: Frank N. Peterson

To: Department of Justice
Date: 1/25/02 9:25pm
Subject: Microsoft Settlement

Department of Justice:

The case against Microsoft has dragged on long enough. It needs to be settled and I think the agreement reached is reasonable. It is now the responsibility of the DOJ to get AOL and the other states holding out to drop their complaints.

My experience with computers is limited but the worst possible service I have tried to use came from AOL. It was unreliable and difficult to use. When I shifted to Microsoft programs and service, it was like night and day. Whatever Microsoft did produced a superior, easy to use product and my ability to expand my computer use was enhanced.

The gripes by AOL (hardly a minor player when it comes to monopolies) and Oren Hatch as well as others, seem to be petty because they are losers in the creativity related to the world of computing.

In short, it is time to move forward—not to drag this on further. Enough damage has been done already by the Department of Justice in fostering the lawsuit. Settle it now and let the players see how creative they can be. There is plenty of room for innovation for all parties.

Sincerely,
Frank N. Peterson.

MTC-00033466

From: David Greenwood
To: Ms. Renata Hesse
Date: 1/26/02 5:47am
Subject: Microsoft Settlement
David Greenwood
12 East View DRive
Farmington, Ct 06032
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
David Greenwood

MTC-00033467

From: Gregory LeDuc
To: Ms. Renata Hesse
Date: 1/26/02 6:54am
Subject: Microsoft Settlement
Gregory LeDuc
95 Church Street
Harwich, Ma 02645
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The

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Sincerely,

Gregory J. LeDuc

MTC-00033468

From:

H_J_Bronson@compuserve.com@inetgw

To: Microsoft ATR

Date: 1/26/02 7:13am

Subject: Microsoft vs. Doj Settlement

January 26, 2002

To Whom It May Concern;

As a citizen and, most importantly, a veteran, voter and taxpayer I cannot understand why the DoJ is still wasting the taxpayers money and its valuable time. The Microsoft settlement is the face-saving end to a wholly unconstitutional, politically corrupt attack on this successful business. The depths of corruption displayed by the previous Administration in falsely bringing on this suit are, forever, a blight on this nation's integrity.

The present Administration and its DoJ representatives bring nothing but disgrace and contempt on themselves for pursuing this frivolous action even to the extent to which you have brought it today.

Settle the damned suit and get on with real problems such as the WAR!! A less than impressed citizen, veteran, voter and taxpayer,

Jim Bronson, KC&RBI
Frankenmuth, Michigan

MTC-00033469

From: Jim Anderson

To: Ms. Renata Hesse

Date: 1/26/02 7:47am

Subject: Microsoft Settlement

Jim Anderson

120 Gratiot Court

Saginaw, MI 48602

January 26, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division

601 D Street NW, Suite 1200

Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of

America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Jim D. Anderson

MTC-00033470

From: smith

To: Microsoft ATR

Date: 1/26/02 9:00am

Subject: damage

The terrorist acts certainly damaged our economy, but in my opinion the economy was already turning down, and it was brought on by actions of our own Government, when IT pre-sued a major player in our world—Microsoft. Some of that damage can be reversed by allowing the settlement to proceed.

Sincerely,

Steve Smith

MTC-00033471

From: Champagne Lady

To: John Ashcroft

Date: 1/26/02 10:31 am

Subject: Microsoft Settlement

Please see the attached document. Thank you. Leslie Whitman

Leslie Whitman

P.O. Box 500598

Marathon, FL 33050

January 21, 2002

A.G. John Ashcroft

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today in regards to Microsoft. I support this company in the three year antitrust litigation that has gone on. Microsoft is being wrongfully punished for being successful, and the settlement reached in November will serve in the best public interest.

This settlement is thorough. Among the many terms Microsoft has agreed to, provisions such as sharing more information with other companies will aid companies in their pursuits to compete. Microsoft has agreed to disclose various interfaces that are part of Windows operating systems for its competitors. Microsoft has also agreed to make available any protocols implemented in Windows operating system on reasonable terms.

This settlement not only allows Microsoft to remain together, but it will also foster competition. Please support this settlement

so Microsoft can get back to the business of designing innovative software.

Sincerely,
Leslie Whitman

MTC-00033472

From: Francis Murray
To: Ms. Renata Hesse
Date: 1/26/02 10:38am
Subject: Microsoft Settlement
Francis Murray
1839 S. Abrego Dr.
Green Valley, AZ 85614-1401
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Francis A. Murray

MTC-00033473

From: Susan Levitsky
To: Ms. Renata Hesse
Date: 1/26/02 10:52am
Subject: Microsoft Settlement
Susan Levitsky
5 Holland Ave
Albany, NY 12205-5013
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Susan Levitsky

MTC-00033474

From: Billie Allensworth
To: Ms. Renata Hesse
Date: 1/26/02 11:06am
Subject: Microsoft Settlement
Billie Allensworth
2411 Winter Park Road
Winter Park, FL 32789-6108
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Billie Allensworth

MTC-00033475

From: Richard H. Skeppstrom
To: Doj
Date: 1/26/02 11:21am
Subject: Microsoft Settlement
Ladies and Gentlemen:

In my view the settlement reached among the Department of Justice, nine states, and Microsoft is a fair and reasonable compromise which should be implemented with as little delay as possible. Continuing litigation would have a negative effect on the entire software and computer industries as it would create further uncertainty about the future of those enterprises thus inhibiting investment and progress. In these economic doldrums, more uncertainty is exactly what we do not need.

Thank you for your kind attention to my concerns.

Yours truly,
Richard H. Skeppstrom
2601 Bayview Boulevard
Portsmouth, VA 23707-1504

MTC-00033476

From: Sheldon Flowers
To: Ms. Renata Hesse
Date: 1/26/02 11:21am
Subject: Microsoft Settlement
Sheldon Flowers
555 Laramie Trail
Cincinnati, OH 45215
January 26, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Sheldon R. Flowers

MTC-00033477

From: JOHN CARROLL
To: Ms. Renata Hesse
Date: 1/26/02 11:27am
Subject: Microsoft Settlement
JOHN CARROLL
911 N TAWAS LAKE
E TAWAS, MI 48730
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

John J Carroll would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
JOHN J CARROLL

MTC-00033478

From: Verne Robinson
To: Ms. Renata Hesse
Date: 1/26/02 12:16pm
Subject: Microsoft Settlement
Verne Robinson
226 W. Works
Sheridan, wy 82801
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Verne and Mary Robinson

MTC-00033479

From: Ralph Lennerth
To: Ms. Renata Hesse
Date: 1/26/02 12:29pm
Subject: Microsoft Settlement
Ralph Lennerth
6107 Boston Rd.
Valley City , Oh 44280
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ralph Lennerth

MTC-00033480

From: Walter Knoepfel
To: Ms. Renata Hesse
Date: 1/26/02 1:13pm
Subject: Microsoft Settlement
Walter Knoepfel
1723 Sanchez St
San Francisco, CA 94121-2740
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. After reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit, the Department of Justice and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater significance. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Walter P. Knoepfel

MTC-00033481

From: Ward K. Wilkinson
To: Ms. Renata Hesse
Date: 1/26/02 1:44pm
Subject: Microsoft Settlement
Ward K. Wilkinson
4206 Hockaday Dr.
Dallas, Tx 75229
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this

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Sincerely,
Ward K. Wilkinson

MTC-00033482

From: Ronald Zacharek
To: Ms. Renata Hesse
Date: 1/26/02 1:57pm
Subject: Microsoft Settlement
Ronald Zacharek
1019 E. Knox Dr.
Tucson, AZ 85719
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Ronald Zacharek

MTC-00033483

From: Bluebell Standal
To: Ms. Renata Hesse
Date: 1/26/02 2:28pm
Subject: Microsoft Settlement
Bluebell Standal
440 Hao Street
Honolulu, HI 96821

January 26, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
 Dr. Bluebell R. Standal

MTC-00033484

From: Otto Zuber
 To: Ms. Renata Hesse
 Date: 1/26/02 2:49pm
 Subject: Microsoft Settlement
 Otto Zuber
 1660 Pine Valley Dr
 Fort Myers, FL 33907-5754
 January 26, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
 Otto Zuber

MTC-00033485

From: Shmuel (Seymour J.) Metz
 To: verify@kegel.com@inetgw
 Date: 1/26/02 2:52pm
 Subject: Re: Verifying you as cosigner of Open Letter to DOJ
 In <200201260654.g0Q6sLU02903@kegel.com>, on 01/25/2002 at 10:54 PM, verify@kegel.com said:

Thanks for joining my open letter to the DOJ!

To make sure nobody is using your email account without permission, I need you to reply to this message and fill in the following fields as you would like them to appear in the open letter:

Name: Shmuel (Seymour J.) Metz
 City: Annandale
 State: Virginia
 Title:

Organization: Atid/2

I encourage you, if you have not already done so, to send a quick note directly to the DOJ by fax or email (see <http://www.kegel.com/remedy> for how) summing up your point of view and endorsing my open letter.

I've already sent a message to DOJ outlining my concerns and what I believe to be the minimum acceptable remedy. I've cc'd them on this since I did not mention your open letter in my comments. Please understand that while I endorse everything in your letter, and gladly offer my name in support, it did not address all of my concerns, so I felt that it was appropriate to send my message on its own.

Shmuel (Seymour J.) Metz, SysProg and JOAT
 Atid/2
 Team OS/2

MTC-00033486

From: Richard Martin
 To: Ms. Renata Hesse
 Date: 1/26/02 3:38pm
 Subject: Microsoft Settlement
 Richard Martin
 2018 W. Niobe Ave
 Anaheim, CA 92804
 January 26, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than

\$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Richard C. Martin

MTC-00033487

From: kenneth bridgers
To: USDOJ.GOV.eagle@exp.net@inetgw
Date: 1/26/02 3:57pm
Subject: MICROSOFT SETTLEMENT
dear sir,

i am 69 years old and have had a computer for 2 years and enjoying it. the windows system has enabled me to learn, i would never learn using the ms-dos system. if i had computers with windows system when i was in grade school i would have been an A student ! this settlement could mean that some underprivledged students may be the ones that solve some of the worlds'' problems.

please do not penalize microsoft for building a better mouse trap. i beleave most people want these lawsuits to end so that microsoft and the other hi-tech companies can lead this economy forward.

thank you for your time,
kenneth r. bridgers
188 louise street
bridge city, texas 77611

MTC-00033488

From: Leonard Biederman
To: Ms. Renata Hesse
Date: 1/26/02 3:57pm
Subject: Microsoft Settlement
Leonard Biederman
6162 Westerham Rd.
Mayfield Hts., OH 44124-3308
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Leonard Biederman

MTC-00033489

From: Marjorie Barraclough
To: Ms. Renata Hesse
Date: 1/26/02 4:24pm
Subject: Microsoft Settlement
Marjorie Barraclough
4451 Lewistown, PA 17044
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Marjorie E. Barraclough

MTC-00033490

From: Craig Hammargren
To: Ms. Renata Hesse
Date: 1/26/02 4:39pm
Subject: Microsoft Settlement
Craig Hammargren
2748 Cobblestone Court
Fargo, ND 58103
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Craig Hammargren

MTC-00033491

From: Howard B Lewine
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Settlement
Gentlemen.

Please be advised as a Senior Citizen and long time user of Microsoft's software, I urge you to implement the proposed antitrust settlement. Sincerely, Howard Lewine

MTC-00033492

From: SJ Worrall
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Antitrust Settlement

The settlement proposed by The DOJ certainly does not contribute to the economy of the country and in my opinion represents

a huge (tax supported) group of lawyers seeking to justify their jobs. Settle the D—lawsuit and let Microsoft get on with their job of creating software, advancing the economy of the the country and making profit. Competition is good. Microsoft certainly does not and never has had a monopoly. The industry moves too fast for that to happen.

S.J. Worrall

MTC-00033493

From: Betty Scheid
To: Microsoft ATR
Date: 1/26/02 5:20pm
Subject: Microsoft Settlement

Please allow the market to function in its normal way and halt any further litigation in this matter. The events surrounding this case have mainly served to enrich a gaggle of lawyers while bringing down a very productive segment of our economy. It is time to put a stop to the whole ugly mess and the sooner, the better.

B. J. Scheid
Citizen

MTC-00033494

From: E W Dreier
To: Microsoft ATR
Date: 1/26/02 5:22pm
Subject: Microsoft Settlement

MTC-00033495

From: Gregory Liban
To: Department of Justice
Date: 1/26/02 6:28pm
Subject: Message From a Concerned Citizen

Dear Department of Justice:

Please leave Microsoft alone. I constantly sense that people are seeking revenge against Microsoft in a mistaken way. Microsoft is not a Tobacco company whose products have caused cancer. Microsoft is also not a company whom has thrived because it squeezes out competition just for the sake of market share.

Microsoft wants to give a Billion dollars worth of Computer equipment to those who need it, and whose side does the government take. Gee, not with those whom might need the computers, but with Microsoft's competitors! So where is the cancer here? Now, because its competitors aren't happy, they want to question the very decision of the court and the precepts of the decision in the Microsoft case. Come on; let's get our thinking hats on straight. What is deciding the decision of all the Microsoft issues? Is it poor competition, or poor politics? What is the cancer here? Has government killed the cancer, or is it feeding the cancer? Perhaps the government needs to take a couple of steps back and really figure out what is going on.

Why can't half the automation equipment purchased by Microsoft come from its competitors like Linux, Sun or BeOS. I can answer that! It's because it doesn't meet the need of the common user. Duh? Apple is a niche product—or at least its in many of the schools. Gee, why can't Apple be called a monopoly? Perhaps the government needs to spur across-the-board automation industry growth in non-legal means. I enjoy Microsoft products and they provide jobs to millions of people in the computer industry. Moreover,

Microsoft leads the industry in innovation and meeting the consumer's needs. Don't disrupt a company that helps all of us in so many needs. Moreover, I ask that you don't listen to all the voices that shout Microsoft hatred!

Being a politician or someone in political office isn't always popular. I know because I work in the Federal Government. But, we are always entitled to make good decisions based upon the best available information. Good or bad, easy or hard.

Sincerely,
Gregory Liban
6100 East Rancier Avenue
Lot #349
Killeen, TX 76543-8897

MTC-00033496

From: Michael Emery
To: Ms. Renata Hesse
Date: 1/26/02 7:43pm
Subject: Microsoft Settlement
Michael Emery
21257 Del Oro Road
Apple Valley, Ca 92308-7746
January 26, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Michael A. Emery

MTC-00033497

From: Robert P. Clark, Jr.
To: Ms. Renata Hesse
Date: 1/26/02 9:01pm
Subject: Microsoft Settlement
Robert P. Clark, Jr.
200 W. 34th Ave., #344
Anchorage, AK 99503-3969
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Robert P. Clark, Jr.

MTC-00033498

From: emc2@vanvan.org@inetgw
Date: 1/26/02 9:09pm
Subject:
Message-ID:
<009101cla6f0\$7e107e0\$e30d389d
@redmond.corp.microsoft.com>
From: "Van Van" <emc2@vanvan.org>
To: <Microsoft.atr@usdoj.gov>
Subject: Microsoft Settlement
Date: Sat, 26 Jan 2002 21:09:21 -0800
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary=" NextPart
000008C_01C1A6AD.B98E5370"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express
6.00.2600.0000
X-MimeOLE: Produced By Microsoft
MimeOLE V6.00.2600.0000
This is a multi-part message in MIME format.
--= NextPart_000
008C_01C1A6AD.B98E5370
Content-Type: text/plain; charset="iso-8859-

1"
Content-Transfer-Encoding: quoted-printable
To Whom It May Concern:

I believe that the settlement of the United States of America vs. Microsoft Corporation is in the best interest of the American public and should be accepted by the District Court. I admit that it is difficult to ascertain the

minute details of the settlement. I would have preferred a document in laymen's terms published on the DOJ website that detailed the finer points of the document including the impact of said settlement for the American public. Instead, I had to gather as much information as I could from reading the briefs as well as seek out supplemental documents to reinforce my understanding.

I believe this settlement is in the best public interest for several reasons. First and foremost, I believe the settlement to be fair for all parties—restricting Microsoft from certain practices but allowing for entrepreneurial innovation so that the industry may progress unabated. The most important point to note is that we cannot stifle competitiveness nor creativity while we reign in behaviors and actions. We must ensure that the consumer benefits from this settlement and I believe that they do.

Second, this case has gone on for quite a while and consumes resources, both from the US government as well as Microsoft. Putting an end to this will result in freed up resources to do other things that is beneficial to the American public. For the government, it might be diverting these millions of dollars towards litigation to other areas such as Homeland Security. For Microsoft, it may mean diverting these same legal fees to perhaps making better products or reducing cost for the consumer. On both fronts, the benefits are significant and immediately impactful.

Third, in the light of recent events, including the burst of the Internet bubble, the US economy weakening, the September 11th attack, the War Against Terrorism, and Homeland Security, the American public has enough to deal with. When one compares the September 11th incident with this case, there is absolutely no comparison. Though this case is very important and does affect the American public, recent events have relegated this case to a second class citizen at best, which is a good thing considering the more important and urgent needs of this country. Continuing this case will only burden the American public and interest. Putting this down and allowing the country to focus on other more important issues will give this country more of a chance to quickly get back on our feet and move on from the many disappointments of these past few years and hopefully move into a much brighter and prosperous era for us all.

It no longer matters who is right and who is wrong. What matters is that at the end of the day, the American interest is preserved and the American public is protected. I believe the best way to do this is to move on from this case—accept the settlement and move on.

As an ancient Chinese saying illustrates—what happens when two boulders try to prove to each other that one is stronger by crushing people between them? It didn't really matter in the end—no one was alive to talk about it.

All jest aside, I hope this illustrates that ultimately we are all working for the best of the American people. Let's make sure that happens. Let's focus on the really important things in life. Let's move on from this matter.

Humbly yours,

Van C. Van

MTC-00033499

From: Marjorie Stump
To: Ms. Renata Hesse
Date: 1/26/02 9:14pm
Subject: Microsoft Settlement
Marjorie Stump
917 Hwy 20 N
Thermopolis, WY 82443
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Mrs. Marjorie Stump

MTC-00033500

From: Marjorie Ryan
To: Ms. Renata Hesse
Date: 1/26/02 10:03pm
Subject: Microsoft Settlement
Marjorie Ryan
1448 Larson Road
Roseburg, OR 97470-9773
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Marjorie L. Ryan

MTC-00033501

From: Jane Williford
To: Ms. Renata B. Heese
Date: 1/26/02 10:50pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Jane Williford
142 Aycok Drive
Goldsboro, NC 27530-9500
CC: Citizens for a Sound Economy

MTC-00033502

From: Eleanor Klar
To: Atty Gen Aschcroft

Date: 1/26/02 11:51pm
Subject: RE:Microsoft Settlement
11211 E Springfield Avenue
Spokane, WA 99206
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

There has recently been a settlement to the antitrust lawsuit between Microsoft and the Department of Justice. While I do not agree with the relentless pursuit of the Microsoft Corporation, I am happy to see that a settlement has been reached. The United States government needs to move on and worry about more important issues.

Microsoft will now be working much closer and communicating much more with their competitors. They will be giving their competitors code and other information that makes-up the Windows operating system. They will also be allowing their competitors to remove Microsoft-made software from Windows, and replace it with non-Microsoft software. Enough is enough. Microsoft agreed to terms that extend well beyond what was issue in the initial suit, just for the sake of ending this senselessness. I support this settlement and would like to see it implemented as soon as possible.

Sincerely,
Eleanor Klar

MTC-00033503

From: MARIO MARTINEZ,SR.
To: Ms. Renata Hesse
Date: 1/27/02 5:30am
Subject: Microsoft Settlement
MARIO MARTINEZ,SR.
P.O.BOX 21197
HOUSTON, TX 77226
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers

and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
MARIO MARTINEZ,SR.

MTC-00033504

From: Mtume Imani
To: Justice Department
Date: 1/27/02 7:16am
Subject: Microsoft Settlement
Dear Justice Department:

This e-mail is to add my voice to the settlement of the Microsoft case before you. The public and consumer interest has been very well served, and the time to end this costly and damaging litigation has come. I do not want the special interests to defeat the public interest in this case. The proposed settlement offers a reasonable compromise that will enhance the ability of seniors and all Americans to access the InterNet and use innovative software products to make our computer experience easier and more enjoyable.

I RAISE MY VOICE—STOP THE SELF-SERVING, PUNITIVE LOBBYING NOW. SET MICROSOFT FREE!

Member—The Seniors Coalition

MTC-00033505

From: Elisha Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:00am

Subject: Microsoft Settlement
Elisha Nall
729 Mac Arthur
Wake Village, TX 75501-6163
January 27, 2002

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

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Elisha Nall

MTC-00033506

From: Vickie Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:01am
Subject: Microsoft Settlement
Vickie Nall
729 Mac Arthur
Wake Village, TX 75501-6163
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Vickie Nall

MTC-00033507

From: Nathan Nall
To: Ms. Renata Hesse
Date: 1/27/02 11:02am
Subject: Microsoft Settlement
Nathan Nall
729 Mac Arthur
Wake Village, TX 75501-6163
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Nathan Nall

MTC-00033508

From: Richard Roullard and Shirley Roberts
To: John Ashcroft
Date: 1/27/02 11:26am
Subject: Microsoft Settlement
Richard Roullard
562 Basil Road
Oak Harbor, WA 98277
January 26, 2002
Attorney General John Ashcroft
US Department of Justice,
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As a user of Microsoft products, I'm writing to voice my support for the recent settlement reached between Microsoft and the Justice Department. I feel that the settlement is reasonable and benefits all of us. For example, Microsoft has agreed to open up its operating system to allow computer makers to remove Microsoft products and install competing products in their places. Microsoft has also agreed that they won't take any action against computer makers that choose to ship or develop competing operating systems.

Based on these facts, I encourage you to support this settlement. Ultimately, the competitive environment this settlement encourages will benefit consumers and our economy.

Sincerely,
Richard Roullard

MTC-00033509

From: Harry Moore
To: Ms. Renata Hesse
Date: 1/27/02 11:45am
Subject: Microsoft Settlement
Harry Moore
P.O.Box 2180
Atascadero, CA 93423-2180

January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Harry J. Moore

MTC-00033510

From: Dorothy Jansen
To: Ms. Renata Hesse
Date: 1/27/02 1:13pm
Subject: Microsoft Settlement
Dorothy Jansen
8507 Wentworth Ave. S.
Bloomington, MN 55420-2253
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dorothy Jansen

MTC-00033511

From: Thomas Prantner
To: Ms. Renata Hesse
Date: 1/27/02 1:30pm
Subject: Microsoft Settlement
Thomas Prantner
8350Aldrich Ave. S.
Bloomington, MN 55420-2259
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Tom Prantner

MTC-00033512

From: norman davis
To: Ms. Renata Hesse
Date: 1/27/02 1:58pm
Subject: Microsoft Settlement
norman davis
123 Marmora road
parsippany, nj 07054
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up

computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Norman T. Davis

MTC-00033513

From: William Ransom
To: Ms. Renata Hesse
Date: 1/27/02 2:09pm
Subject: Microsoft Settlement
William Ransom
1616 Ocean Dr., Apt. 307
Vero Beach, Fl 32963
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
W. R. Ransom

MTC-00033514

From: Walter Schmidt
To: Attorney General John Ashcroft
Date: 1/27/02 4:16pm
Subject: Microsoft Settlement
January 26, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Fax: 202-307-1454-202-616-9937
Email: microsoft.atr@usdoj.gov
Subject: Microsoft Settlement

Dear Mr. Ashcroft:

Microsoft continues in its role as a leader in the Information Technology industry. They do this not by luck, but because they are the best at what they do. Microsoft has given us, the business user, the ability to do things we only dreamt of a decade ago. They have done this efficiently and effectively, while at the same time their products have developed a network of satisfied users.

It appears other companies are now trying to take advantage of Microsoft's current

situation because they are unable to accomplish on their own what Microsoft has successfully done. To continue litigation, already agreed to by the Department of Justice, nine states and Microsoft, would prove to be a waste of time and money.

As an Information Technologies CPA, I continue to use Microsoft products as part of my day-to-day work routine. I do this after an ever continuing and exhaustive review of available products, and because I feel that they continue to be the best, the market has to offer.

The settlement currently under review is fair. Microsoft has agreed to terms that will allow other companies to be better equipped to compete. So far, the passage of time without litigation resolution has caused little harm. Nevertheless, this issue needs to be resolved before it does do serious harm to either Microsoft, the Information Technologies industry, or our country's economy. I would hope the Justice Department feels the same way, sees that the proffered settlement is indeed in the public interest, and submits its final report, recommending acceptance of the settlement.

Sincerely,
Walter C. Schmidt, CPA
383 Second Avenue
Massapequa Park, NY 11762
516.799.8300
Cc: Microsoft
FAX: 800-641-2255
Email: fin@mobilizationoffice.com
CC:Microsoft,Walter Schmidt

MTC-00033515

From: Henrietta Conway
To: Ms. Renata Hesse
Date: 1/27/02 4:31pm
Subject: Microsoft Settlement
Henrietta Conway
571 Oak Park Way
Emerald Hills, CA 94062
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Henrietta Conway

MTC-00033516

From: IAN J. PATTERSON
To: Department Of Justice
Date: 1/27/02 4:37pm
Subject: MICROSOFT SETTLEMENT

To Whom It May Concern,

YES: I firmly believe that settlement between Microsoft, the Justice Department and bipartisan groups of State Attorneys General in the original antitrust case IS in the best interest of our Great Nation.

I also believe that special interest groups/ parties consumed with envy, jealousy, unearned potential personal gain, have "piled on" the anti-trust case in a most unpatriotic way. Thankfully they are a pitiful minority! The prejudiced behavior of Judge Thomas Penfield Jackson during this sad saga has been most dismaying to say the least!

The vast majority of States representing The American People want settlement!

LET'S MOVE ON !!

IT WILL BENEFIT US AND COMMUNITIES AROUND THE WORLD!!!

Sincerely,
Ian J. Patterson
3423 181st PL NE

Redmond WA 98052
 (I'm NOT a Microsoft employee, but hope we restore their FULL FREEDOM TO INNOVATE REAL SOON.)

MTC-00033517

From: Donald Helgeson
 To: Ms. Renata Hesse
 Date: 1/27/02 5:11pm
 Subject: Microsoft Settlement
 Donald Helgeson
 2008 Roundleaf Green
 Huntsville, AL 35803-1832
 January 27, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW., Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Donald V. Helgeson

MTC-00033518

From: Edwin Webster
 To: Ms. Renata Hesse
 Date: 1/27/02 5:42pm
 Subject: Microsoft Settlement
 Edwin Webster
 69 Red Dog Rd.
 Winthrop, WA 98862
 January 27, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW., Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

E.H. Webster

MTC-00033519

From: Beverly Riese
 To: Ms. Renata Hesse
 Date: 1/27/02 5:48pm
 Subject: Microsoft Settlement
 Beverly Riese
 2608 West 3rd
 Hastings, Ne 68901-4615
 January 27, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW., Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Beverly Riese

MTC-00033520

From: M. June Poff
To: Ms. Renata Hesse
Date: 1/27/02 6:22pm
Subject: Microsoft Settlement
M. June Poff
P.O. Box 776
Helendale, CA 92342
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
M. June Poff

MTC-00033521

From: Carl Schoettler
To: Ms. Renata Hesse
Date: 1/27/02 6:42pm
Subject: Microsoft Settlement
Carl Schoettler
1706 SE 10th Place
Cape Coral, FL 33990-4503
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Carl A. Schoettler

MTC-00033522

From: Thomas Krolosky
To: Ms. Renata Hesse
Date: 1/27/02 6:44pm
Subject: Microsoft Settlement
Thomas Krolosky
500 Rose Ave.
Long Beach, Ca 90802
January 27, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,

Thomas J. Krolosky

MTC-00033523

From: Mary Mulloy
To: Ms. Renata Hesse
Date: 1/27/02 6:47pm
Subject: Microsoft Settlement
Mary Mulloy
500 Rose Ave.
Long Beach, Ca 90802
January 27, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW., Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,

Mary Ann Mulloy

MTC-00033524

From: Dan Marinescu
To: fin@mobilizationoffice.com@inetgw
Date: 1/27/02 6:51pm
Subject: Microsoft Settlement
Best Regards,
Dan Marinescu
CC: Microsoft ATR
Dan Marinescu
200 Button Street, Unit 84D
Santa Cruz, California 95060
January 26, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft,

I have worked in the IT industry for several years and recently became certified as a Systems Engineer. I am very excited about my field, because it has allowed me the opportunity to grow with the rapidly changing industry. During my time in this industry I have had the opportunity to truly admire different companies for what their efforts have done to improve the IT industry. Microsoft is one such company. From the very beginning, Microsoft took the lead in the game with solid innovation that resulted in high-quality products that are easily accessible to consumers at very reasonable prices. I admire Microsoft because they exemplify success.

It is sad to see that they are now being punished for the same success that help build the country's IT industry. This is shameful betrayal of the spirit of free enterprise! I am writing to ask that you do all that is within your power to end this matter. I believe that terms of the settlement were well reviewed, are fair, and should be formalized as soon as possible and release Microsoft to spread its wings of innovation once again. Looking at the concessions that Microsoft has already made—releasing protocols, code, and intellectual property—it is fair to assume that their will be no further antitrust violations.

So please wrap this up. The public is counting on you.

Sincerely,

Dan Marinescu

MTC-00033525

From: Swasti Sarna
To: cyrusm@harker.org@inetgw
Date: 1/27/02 7:01pm

Public input is always an important thing for major issues that serve and were meant to be made for the population. Many people think that Microsoft should not be allowed to

settle with Netscape because Microsoft is constantly causing monopolies, and without finally being seriously and fairly punished, the company may be unable to ever quit their nasty habit. Netscape should sue Microsoft for a reasonable amount of money, and Microsoft should resolve Netscape's problem by performing some sort of a task for Netscape's benefit in addition to paying them money.

As you may know, many historical events have happened involving monopolies. Historical events include when AT&T controlled all phone services in the United States. People thought this was unfair so the courts split it up and new businesses formed such as Pacific Bell and long distance phone services started like Sprint and MCI. Another example of a past major monopoly was with the oil companies, which also had to be broken up. A very common one was with the railroads. The Supreme Court said, and everyone should have this perspective of benefit to the people, was: The Supreme Court established the governments right to regulate businesses and to protect public interests. All these events had many different good ideas to resolve their problems, and monopolies with these companies never happened again. Overall, Microsoft definitely should be punished and should not be allowed to settle with Netscape.

MTC-00033526

From: Wilson Kown
 To: Ms. Renata Hesse
 Date: 1/27/02 7:42pm
 Subject: Microsoft Settlement
 Wilson Kown
 25 Mission Hills Drive, SW
 Cartersville, GA 30120-7451
 January 27, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken

up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Wilson Kown

MTC-00033527

From: Jeff Loether
 To: Microsoft ATR
 Date: 1/27/02 8:12pm
 Subject: Microsoft Settlement

Settle already and let's get on with it.

The only way trying to de-monopolize Microsoft would make sense is if it would also be applied to Apple which, of course, would kill the company. And it doesn't make sense. Microsoft isn't a company with a conspiracy; or a cult of some sort; it is a group of smart young people who are trying their hardest to make the computing experience as awesome as they possibly can. I am in awe at the intelligence and service that the integration of environment, application, and Internet can provide, as demonstrated with XP. Encourage competition to catch up; don't hobble the lead horse.

And, for the record, I do not own any Microsoft stock, I know nobody who works there, and can't yet imagine any way of personal gain, if Microsoft succeeds or fails.

All the Best,
 Jeff Loether, President
 Electro-Media Design, Ltd.
 AudioVisual and Acoustical Consulting

vox: (301) 309-0110
 fax: (301) 309-0039
 www.electro-media.com

MTC-00033528

From: A-Valkanas@neiu.edu@inetgw
 To: Microsoft ATR
 Date: 1/27/02 8:15pm
 Subject: Microsoft Settlement
 27 Jan 2002
 Renata B. Hesse
 Antitrust Division
 U.S. Department of Justice
 601 D Street NW
 Suite 1200
 Washington, DC 20530-0001

Dear Ms. Hesse:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft Corporation antitrust case. I wish to state how disappointed I am in US Atty. Gen. John Ashcroft, Illinois Atty. Gen. Jim Ryan, and all the other states' attys. general in this extremely weak and poor settlement with the Microsoft Corporation.

With their track record of poor products and their quashing of almost every possible threat to their monopoly (such as the cases with Netscape and their pending litigation against Lindows), Microsoft has acted against the public's welfare and has cost the economy great quantities of productivity. For example, assuming a user base of one million users who must endure one crash of their Microsoft OS, a 240 day work-year of 8 hour work-days and an average salary of \$22,500, those unscheduled coffee breaks cost a total of over \$29,000,000 per annum in lost productivity. This amount does not take into account the time needed to recreate lost works in progress or delays to customer inquiries because of the delays.

I also wish to add that I am in full agreement with the statements of Dan Keigel, located online at <http://www.keigel.com/remedy/letter.html>; Jeremy P. White, CEO of CodeWeavers, Inc, located online at <http://www.codeweavers.com/jwhite/tunneywine.html>; and the Free Software Foundation, located online at <http://www.gnu.org/philosophy/microsoft-antitrust.html>.

Any settlement with Microsoft is unsatisfactory. This company, and its management, need to be punished much more severely than this settlement possibly would.

Sincerely,
 Andrew Valkanas
 2523 W Farwell Ave
 Chicago IL 60645

MTC-00033529

From: James Austin
 To: Microsoft ATR
 Date: 1/27/02 9:07pm
 Subject: Microsoft Settlement

As a concerned citizen, I wish to offer comment concerning the proposed settlement of United States v. Microsoft.

I am a civilian employee of an agency of the United States Government, where my job function is the administration of a network of personal computers and the technical support of the users of those computers.

However, I offer the following comments purely as a private citizen, without the encouragement or even the knowledge of my employer.

I have been an interested observer of the computer industry in various capacities for more than twenty years, and have been professionally involved in the industry for ten. In that time I have seen the development of the industry from a perspective rather different from that usually discussed. My experience is that of someone who has directly used the technology and helped others to use the technology, working alongside both the users of that technology and others whose professional duties were similar to my own. These experiences have taught me several things which I am compelled to share.

First: The case of *United States v. Microsoft* is almost certainly one of the most important cases of all time, for how this is resolved will have repercussions certain to outlive anyone of this generation now participating in the actual case.

What is at stake is not merely the future practices of one corporation, or even the future structure of one industry. What is at stake is nothing less than the nature of access to information, from the individual citizen to the largest private and public institutions.

Many years ago, I heard of a Jesuit philosopher who had written about an idea he called the "knowosphere." He imagined that as more and more information was transmitted via computer technology, there would arise around the earth a sort of "sphere of knowledge" that would surround the earth the same way the atmosphere does, and that there would come a point in which the essential sum total of all human knowledge would exist within this sphere. Furthermore, this would eventually become so important to the lives of people that it would become impossible to switch off once switched on. Though he imagined this in terms of communications satellites (the highest technology available to him at the time), I maintain that a world of personal computers all connected via the worldwide Internet is the true realization of this vision.

We must now ask ourselves this question: do we wish to allow, indeed do we dare allow, the fundamental infrastructure of human knowledge and thought to become in practice (if not directly in law) the private commercial domain of one corporation?

Second: Microsoft already monopolizes several areas of computer technology, and is working hard to monopolize others.

This point seems hardly worth discussing, because as I write this, the courts have repeatedly ruled that Microsoft is indeed a monopoly and is guilty of breaking the law. What is more interesting is that to this very day, I am unaware of any admission Microsoft has ever offered, to anyone at any time, that it has been found guilty of breaking any law. Indeed, only within the last few months has it acknowledged in any public statements that any court rulings went against it, and vaguely at that.

Third: Microsoft has proven repeatedly that it cannot be trusted even with the level of power it enjoys today.

Microsoft portrays all concern over its power and actions as solely the product of

disgruntled competitors. While even that would justify intervention if the competitors were disgruntled because of actions which broke the law (as the courts have repeatedly ruled was in fact the case), what is more significant is Microsoft's actions not against its competition but against its own customers.

Consider that under the First Amendment, I have the legal right to criticize my government, perhaps even harshly so, and I may even do so in a forum sponsored by that same government. The courts have interpreted this right to extend further; for instance, I may use a telephone and still criticize whatever company provides my telephone service. But I may NOT utilize Microsoft products to criticize Microsoft. This is not a paranoid fantasy, it is a direct reading of clauses in the licenses of several of their products, which explicitly forbid one to "criticize or disparage Microsoft and/or its products and/or services." Indeed one license actually forbids the "parody" of Microsoft products and services.

Microsoft demands that companies engaged in any joint ventures waive their rights to sue Microsoft for patent infringement "even should evidence arise that such infringement has occurred." And there are more additional examples than I have time to list, of Microsoft using the courts to squelch criticism and then thumbing its nose at the courts when they issue rulings Microsoft does not wish.

We must now ask ourselves whether the interest of the people of the United States is served when one company not only has the power to behave in this manner, but actually does so, and thus far with impunity.

Fourth: Microsoft's already dangerous power is increasing.

It has been widely noted that when the Internet first began to become a household word, Microsoft largely ignored the whole phenomenon. Now that Microsoft has taken notice, their objective is nothing less than the total control of the Internet. During the time between the filing of *United States v. Microsoft* and today, Microsoft's plans to destroy Netscape (publishers of what was at the time overwhelmingly the most widely-used browser for the World Wide Web) have come to fruition, and they now face essentially no competition in that area.

One has to ask why Microsoft wanted to destroy Netscape so badly that they would give away a competing product for free. One reason is that control of the web browser gives one control of the choke point for information and commerce on the Internet. The other reason is that Netscape had ambitious plans to enhance their browser and ultimately to "grow the browser into an operating system of its own" which would have threatened Microsoft's monopoly. Perhaps such a scheme would have proved beneficial to the public, but it was a threat to Microsoft, and like all such threats before, could not resist Microsoft's destructive power.

Today Microsoft controls the web browser, and much evidence exists that its ultimate plan is to take control of the basic protocols that servers use to communicate with each other across the Internet itself. Once that

happens they will essentially have the level of power that a company would have if they controlled all bank ATM machines, all telephones, all newspapers, and all radio and television stations. All access to information in any form from anywhere at any time would generate profit for Microsoft, and be subject to their approval.

We must now ask whether this is a desirable future for a free people. Fifth: People like me, in the trenches, have long considered Microsoft dangerous.

I could tell you so many stories. Just the jokes we tell to each other betray a deepening gloom about the future. Alas, I am facing a strict deadline for public comment and this must leave them for another time. Sixth: The proposed settlement of *United States v. Microsoft* is NOT sufficient.

It contains insufficient punishment for past transgressions of the law, insufficient guarantees against future transgressions of law, NO compensation for victims of those transgressions of law, and insufficient remedies for the consequences of past transgressions of law.

Much more needs to be said, but as the period for public comment is ending I must draw to a close. But I cannot urge strongly enough that this settlement NOT be accepted as is.

Sincerely,
James R. Austin
(Should this be required by law, my full address is as follows:

James R. Austin
155 Watkins Mill RD
Apt. C
Gaithersburg, MD 20879-3336)

MTC-00033530

From: Kory Hamzeh
To: Microsoft ATR
Date: 1/27/02 9:08pm
Subject: Microsoft Settlement
Please give serious consideration to the contents of: <http://www.kegel.com/remedy/letter.html>
Sincerely,
Kory Hamzeh
West Hills, CA

MTC-00033531

From: podoo@netins.net@inetgw
To: Microsoft ATR
Date: 1/27/02 9:10pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:
Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Ella B Lankford
P.O. Box 266
Seneca, MO 64865-0266

MTC-00033532

From: Mary E. Daudelin
To: Microsoft ATR, Mary E. Daudelin
Date: 1/27/02 9:11pm
Subject: RE: Microsoft Settlement

Comments included in body of email, in case you don't have MS Office 2000 to read the attachment of my earlier e-mail.

Sincerely,
M. E. Daudelin
January 27, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

To paraphrase Mr. Glassman's comments pertaining to the Microsoft settlement, I also feel that AOL could better spend its time in further analysis of its own product (especially with regard to its deployment overseas) rather than in continuing to pursue this case. My own personal experience with AOL has led me to believe that full utilization of the Internet is, in fact, restricted, when using their application.

As a developer of WEB applications for research, business and educational purposes, I have utilized a variety of browsers, development tools and operating systems while producing and testing my applications. Although I use Windows NT servers and take advantage of their many development tools, such as FrontPage 2002, I have not found that the public cannot access my applications, regardless of their operating system and/or browser types (with the exception of an occasional prototype). In fact, until recently, Netscape has always been my personal choice of browser as it was the one that introduced me fully to the Internet. And SUN's StarOffice product has produced many graduate-school presentations for me.

Because Internet Explorer is so forgiving of my JavaScript scripting errors, I find that I often HAVE to make myself utilize other browsers/systems in my testing to ensure that users who do not use MS products/systems are not inundated with JavaScript errors that I have overlooked in my own code. My personal belief is that Microsoft has some very good programmers that pay attention to detail, and, as such, should not be penalized for their technical excellence.

Yes, my job would be much easier if I could convince everyone on this planet to use Microsoft Windows OS's and IE browsers, IBM ThinkPad laptop computers, the same size/resolution monitor and to access the Internet via cable or high-speed access, however, since this attitude smacks of the old telecom mentality (a black rotary phone for everyone, by God!), and because we all have our different comfort levels, I will remain silent on that subject and continue to jump back and forth between the plethora of computers/systems/browsers that I access in my testing.

In closing, I feel that Microsoft should be used as an example of what works in our

economy (little, if any, debt and innovative, easily accessible business solutions at a reasonable cost). Beyond the concessions contained in the settlement agreement, nothing more should be expected or required of Microsoft at this time. I appreciate your efforts to quickly settle this case.

Sincerely,
M.E. Daudelin
File code: msu-0-return
Electronic transmission: signature on file
—Original Message—

From: Mary E. Daudelin
[mailto:marydaudelin@smymacable.net]

Sent: Monday, January 28, 2002 12:06 AM

To: microsoft.atr@usdoj.gov

Subject: Microsoft Settlement

Comments on the MS Case:

See attachment.

Sincerely,
M.E. Daudelin

MTC-00033533

From: Jeff Prus
To: Microsoft ATR
Date: 1/27/02 9:12pm
Subject: Accept the Current Microsoft Case Settlement

Dear Sir or Madam,

I would like my opinion to be considered for the Microsoft case. I believe the current settlement is fair and urge you to settle this case now. I believe continuation of this litigation is harmful to both the software industry and the economy.

By continuing to add features and functionality to Windows, Microsoft has advanced the PC platform while reducing the costs to the consumer. Furthermore, I believe that Microsoft's ability to add features to the operating system only creates parity with other firms that also incorporate new functionality within the operating system itself, namely Apple's OS X and various versions of Linux. I believe the states that continue to oppose the settlement are only trying to achieve a settlement windfall for Microsoft competitors within their states, however, at a significant cost to the high-tech industry and overall economy.

That being said, I do believe that Microsoft's dominance in the desktop PC operating system market creates a disadvantage for competitors and thus warrants some restrictions in order for other companies to be given a chance to compete. These include the requirement for Microsoft to include some other companies' products within Windows as an alternative to Microsoft products. This requirement is covered within the existing settlement. This continued litigation is damaging one of our countries great corporations and I believe a fair and equitable settlement has been proposed. As such, I urge you to settle this case now. The only winner in this continued litigation is the legal profession.

Thanks,
Jeff Prus
jgprus@hotmail.com
(773) 525-1969

MTC-00033534

From: MTyler3767@aol.com@inetgw

To: Microsoft ATR

Date: 1/27/02 9:17pm

Subject: microsoft settlement
January 27, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

A settlement to the antitrust suit against Microsoft has finally been reached, and I hope that it is implemented as soon as the public comment period is over with. This proposed settlement stands to benefit everyone involved, and best of all, allows Microsoft to get back to helping the economy instead of wasting valuable time and money in court.

The economy started its downward spiral the day the suit against Microsoft was announced, and three years later we find ourselves in a recession. Did no one realize just how important Microsoft is to the economy? They provided tens of thousands of jobs to Americans across the country and to people around the globe. I hope this settlement will pave the way for the economy to get back on its feet, and with Microsoft agreeing to work more closely with its competitors, the market has to improve. I know there are many who worry weather Microsoft will adhere to the terms of the settlement, but they have no choice. An oversight committee has been set up that will monitor Microsoft's compliance with the settlement.

Everything needed to improve our economy is in place. The settlement must now be approved in order to get the ball rolling.

cc; Representative Maxine Waters
Sincerely,
Mose Tyler

MTC-00033536

From: Keith E. Folsom
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement

To whom it may concern,

My name is Keith Folsom. I am the Director of Systems and Communications at Pacific Lutheran University in Tacoma, Washington. I have been a computer professional since my graduation from college with a Bachelor's degree in Computer Science in 1981. I have had many roles in the field, including Software Engineer, Programmer, Systems Administrator, and manager. My desire to stay current in a field I really enjoy convinced me to enter an evening Master's program in Computer Science and Engineering at the University of Washington in 1999. I completed this program last month, graduating with a Master's degree.

I am writing this letter in order to urge you to consider more far-reaching sanctions against Microsoft than those proposed, which I feel is justified in light of the conclusion that the company is a monopoly. It is my opinion that the sanctions as proposed will do little or nothing to prevent Microsoft from continuing to use their monopoly power to crush competition and true innovation in the computing industry.

I do not believe in a government that unnecessarily interferes in the matters of

industry. Free enterprise and capitalism normally self-regulate. But when a company grows too large and is no longer subject to the normal laws of economics, a government has the duty to reign this company in. As I've watched Microsoft gain a strangle-hold on the computing industry, I've also seen my choice of products and solutions dwindle. It frankly scares me. And Microsoft's latest attempt to control the Internet with their .NET initiative convinces me that they have not learned any lessons from the long battle against the Justice Department in the anti-trust case. They are determined to own it all.

Once again, I urge you to consider stronger measures against Microsoft, up to and including splitting the company into smaller, more fairly competitive units. I believe such measures are the only way to prevent the computing industry from sinking into a mire of mediocrity, with no true choice of solutions for computing problems. This is what monopolies do unless they are stopped. Please stop Microsoft.

Sincerely,
Keith Folsom
Keith E. Folsom
EMAIL—folsomke@plu.edu
Director, Systems & Communications
folsom@journeyman.org
Pacific Lutheran University
WWW—http://www.plu.edu/folsomke
Tacoma, Washington
PGP—<homepage>/pgp.txt

MTC-00033537

From: Peter Hollings
To: Microsoft ATR
Date: 1/27/02 9:27pm
Subject: Microsoft Settlement

I hold an advanced degree from the Sloan School of Management, Massachusetts Institute of Technology in the areas of information technology and finance. I have over 30 years experience in these fields, during which I have developed a deep understanding of the processes of competition and innovation in the computer software industry. I first became aware of Microsoft around 1982 and have been a constant observer of that company's business practices over the succeeding years. My purpose in writing is to express my opposition to the proposed settlement that has been reached by the US Department of Justice and Microsoft concerning their antitrust suit. Not being trained in the formalities of the legal profession, I am writing nevertheless in the hopes that you will take notice of my objections as an American citizen, affected by this settlement, and despite their probable formal incorrectness. I make this expression on my personal behalf, although I firmly believe it also reflects the interests of the businesses that I have presently or formerly been associated with in either employment or consulting roles. I firmly believe and respectfully request that the Court consider:

1. That as a past and potential future purchaser of Microsoft products, and as user of computing systems generally, that no aspect of the proposed settlement is in my interest.

2. That I firmly believe that approval by the Court of the proposed settlement would be

bad for consumers, bad for business, bad for innovation, bad for the beneficial functioning of market economics, bad for constitutional rights, such as privacy and security, and it would materially and adversely impair the public's perception of government integrity.

3. I state my belief that the proposed settlement is so thoroughly flawed in every aspect that I respectfully request that the Court reject it from further consideration.

4. I respectfully request that the court give full consideration to the filing by the American Antitrust Institute captioned as COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF.

This complaint sets forth numerous instances in which both the DOJ and Microsoft have failed to comply with specific disclosure requirements of the Antitrust Procedures and Penalties Act ("Tunney Act"). Most importantly are the failure of the DOJ to provide an accounting of how the settlement reached is in the public interest and the failure of Microsoft to fully identify its contacts with the government relative to the settlement. I will note here that the public press includes numerous articles relative to Microsoft's lobbying activities relevant to the antitrust settlement decision, none of which were included as required in Microsoft's report in compliance of the reporting requirement. This combination of circumstances gives the appearance that the public institutions of the American people are being manipulated against their interests and in a concealed way.

5. I respectfully request that the Court give full consideration to these circumstances identified above and fully investigate and correct any improprieties in the functioning of our government in the interest of preserving the American people's confidence in both the Executive and Judicial branches of our government. The proposed settlement is such an egregiously bad agreement and so contrary to the public interest that I cannot conceive that it was honestly arrived at.

Thank you,
Peter Hollings
Atlanta, GA 30342
phollings@alum.mit.edu

MTC-00033538

From: James Tracy, Ph.D.
To: Microsoft ATR
Date: 1/27/02 9:31pm
Subject: Microsoft Settlement

Please settle the Microsoft Case. It seems clear to me and many of my friends that the settlement is in the public interest. Only competitors can level the specious argument that Microsoft's innovation is an antitrust violation. Let's compete in the market place rather than litigate in the courts.

Dr. Jim Tracy

MTC-00033539

From: Kevin Bullock
To: Microsoft ATR
Date: 1/27/02 9:35pm
Subject: Microsoft Settlement

To whom it may concern:

The proposed settlement with Microsoft is woefully inadequate. It will not change their behavior as a corporation nor provide any meaningful benefit to the public interest.

Please refer to Dan Kegels' comments at the following address: <http://www.kegel.com/remedy/remedy2.html>

Also please take into consideration Ralph Nader and James Love's comments at: <http://www.cptech.org/at/ms/mjl2kollarkotelynov501.html>

Thank you.

Pacem in terris / Mir / Shanti / Salaam / Heiwa

Kevin R. Bullock

MTC-00033540

From: Margaret C Worsham
To: Microsoft ATR
Date: 1/27/02 9:37pm
Subject: Microsoft Settlement

I, Margaret C. Worsham, strongly urge the Justice Department to accept the Microsoft Settlement.

The consumer interest has been well served and the time has come to end this costly and damaging litigation

MTC-00033542

From: Paul Shryer
To: Microsoft ATR
Date: 1/27/02 9:42pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement between US DOJ and Microsoft.

I am a Information Technology Professional who works on a daily basis with Microsoft software and license agreements. There are many problems I have noticed with the Final Judgement proposed by the DOJ, I shall mention the two greatest issues I have with this settlement.

1. A provision is included to "prevent Microsoft from using Anti-competitive practices against OEM who load competing practices." There is a big loophole in this provision unfortunately. It does not prevent Microsoft from charging a set price to all OEMs and then providing discounts and rebates to OEMs that sell only Microsoft products or that help Microsoft extend its monopoly into additional markets. Several companies currently use similar agreements and programs. It would take little effort for Microsoft to adopt similar practices.

2. This proposed final judgement does not seem to have any sort of enforcement. While it is true that the proposal calls for a three person panel to review the activities of Microsoft I seen nothing that empowers the panel to do anything more than recommend to Microsoft management. They do not seem to have any real power to overrule management and prevent Microsoft from undertaking anti-competitive practices.

Paul Shryer
Network Technician
Duluth, MN

MTC-00033543

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.

Mark Hinds
Concerned US Citizen
Senior SW Engineer
Edmonds WA 98020

MTC-00033544

From: William Usim
To: Judge Kollar-Kotelly
Date: 1/27/02 9:43pm
Subject: Microsoft Settlement
Judge Kollar-Kotelly,

As a consumer I would like to comment on the proposed Microsoft settlement. I believe that Judge Jackson had the only remedy that would aid consumers.. I would prefer to purchase my computer's operating system separate from any applications. I would like to be able to select applications that I find have the features I need without them being included in the operating system.

I presently run both Windows 98 and OS/2.

Thank you,
William Usim

MTC-00033545

From: john paulson
To: Microsoft ATR
Date: 1/27/02 9:47pm
Subject: Microsoft Settlement
Greetings,

I—oppose—the proposed settlement in the Microsoft anti-trust case for the following reasons:

The Microsoft Office suite is one reason for the entrenchment of the Windows operating system on personal computers. The lack of viable non-Microsoft equivalents to MS Office is one source of that entrenchment.

Document formats are descriptions of the files produced by the Microsoft Office suite of products (MS Word, MS Excel, MS Powerpoint).

Document formats are distinct from APIs. Nowhere is there a requirement that Microsoft document and freely disclose the document formats used by their office products.

Because the document formats are not available, developers of products wishing to inter-operate with or compete with those of Microsoft Office must reverse engineer the document format. Besides being time consuming, this is an error-prone process. The resulting products fail to work as well with the documents. In addition, changes made by Microsoft to those document formats when new versions of Microsoft products are released require non-Microsoft to once again perform reverse engineering. This delays the release of competing products, further cementing Microsoft's entrenchment in office productivity applications.

THEREFORE:

Microsoft must document the formats of files produced by their office productivity applications.

Microsoft must make that documentation freely available, so that non-Microsoft products can read and write documents produced by Microsoft's office productivity applications.

And, Microsoft must release the document format concurrently, if not prior to, the release of newer versions of Microsoft's office productivity applications.

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

(The above quotation is from <http://www.pbs.org/cringely/pulpit/pulpit20011206.html>) As that article states, Microsoft faces competition from open source software, such as Linux, FreeBSD and Samba. Microsoft should not be allowed to forbid disclosure to asymmetric threats to its dominance.

THEREFORE:

Microsoft should release the API, Documentation and Communications Protocols to all who ask, or make it freely available (by placing on their website, www.microsoft.com). This will in no way hinder Microsoft's ability to innovate and develop new products and combinations of products, but it will allow non-Microsoft developers to inter-operate with Microsoft products.

Microsoft has proposed deploying many millions of dollars worth of computers and (Microsoft) software to (K-12) schools. This should be rejected out of hand. Currently, the only meaningful competition Microsoft has in the K-12 education marketplace is Apple Computer. Were Microsoft to —sell— computers running Microsoft software to schools at discounts of 80 to 90%, it would be viewed as an anti-competitive action by a monopolist: dumping. Giving it away can only be worse, (mega-dumping?).

THEREFORE:

Microsoft should not be allowed to donate computers and software. If Microsoft wishes to aid schools in this wise, it may donate —money—and allow the educators to decide how to spend it on computers and software.

Sincerely,
John Paulson

MTC-00033546

From: Jeff Rehbein
To: Microsoft ATR
Date: 1/27/02 9:55pm
Subject: Microsoft Settlement
January 27, 2002

To Whom it May Concern:

In accordance with the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case. I believe that there are many problems with the proposed settlement. As shown by Dan Kegele's open letter (<http://www.kegele.com/remedy/remedy2.html>), there are so many holes in the settlement that it is essentially useless. However, I will focus my comments on a specific group of actions by Microsoft that affect my work directly.

I work as a Macintosh game developer. My work entails both porting games originally written for the Microsoft Windows platform to run on the Macintosh platform, and writing original games for the Macintosh platform. In the following paragraphs, I will show how Microsoft's anticompetitive actions have harmed (and are continuing to harm) me, my company's customers, and the customers of virtually all developers of games for the Macintosh.

In 1992, OpenGL was introduced as an open standard application programming interface (API) for 2D and 3D graphics. Over the years, it has gained wide adoption by operating system vendors (OSV) and graphics sub-systems hardware vendors (GSHV). Seeing that adopting OpenGL would increase the number of games available for the Windows platform, Microsoft adopted it. However, Microsoft only adopted it because it didn't have a competing product.

As Microsoft has done time and time again, it quickly turned out it's own version of someone else's innovation. In this case (as in most cases), it's version (Direct3D) was nowhere near as good as the original. However, Microsoft tied it to Windows (still on the same pattern) and to its development environment and some developers used it. Recently, Direct3D has become good enough to compete with OpenGL. So what did Microsoft do? It removed OpenGL support from Windows XP before release—support that was already there. OpenGL can still be used, but the support has to be added by each GSHV, seriously complicating the situation.

Removal of OpenGL support from Windows harms several groups of people:

1. Developers who know and wish to use OpenGL in a Windows application.

2. Developers who want to write 3D (and 2D) applications that can be compiled for Windows and other operating systems from one codebase.

3. Developers who port applications originally written for Windows to run on other operating system (the original application may have been written with

OpenGL under different circumstances, making it far easier to port)

4. In the long run, other OSVs that depend on OpenGL will likely be harmed. This is because usage of OpenGL will drop off, which will lead to a stagnation in the OpenGL standard.

As if removing OpenGL support from Windows wasn't enough, Microsoft recently purchased key patents from Silicon Graphics, Inc. that may give it even more ammunition against the competing, open standard. I can't say for sure what Microsoft will do with this new power, but given its past history I think it's a sure bet that it will be bad for OpenGL, and by extension, bad for developers and consumers. One company should not be able to so negatively affect an open standard. Unfortunately, the proposed settlement does nothing to prevent this sort of activity. Microsoft also hurts all developers who port Windows games to the Macintosh by keeping all DirectX APIs usable on Windows alone. Microsoft routinely changes the API calls so that developers can't make a "glue library" (a glue library is used to easily convert calls to one API to calls to different API) that can keep being used in each new project. There is no need to so routinely change the actual interface calls of APIs. Other OSVs do everything they can to keep those calls the consistent. Doing otherwise would break compatibility and drive away developers. Only a company with a monopoly could do this and survive.

One DirectX API in particular gives port developers trouble—DirectPlay. DirectPlay is an API that makes it relatively easy to add networking features to a game. Because of the lack of documentation of the internal message structure, any port of a game originally written using DirectPlay cannot communicate with the original version. This relegates users of the ported version to a second-class status. Although technically possible to reverse-engineer the protocol, Microsoft actively thwarts such attempts. The one known instance where the protocol was reverse-engineered and used in a product (which took 6 months), Microsoft promptly overhauled the protocol and released a new version which completely broke the compatibility.

Microsoft's actions with the DirectX API serve solely to strengthen the applications barrier-to-entry, even at the expense of their own developers. Unfortunately, the proposed settlement does absolutely nothing to alleviate this or any problems concerning this barrier. The unfortunate truth of the matter is that there is no remedy for the above problems short of separating the OS business from the rest of Microsoft. As show in the previous reference to Dan Kegel's open letter and in my own, the proposed settlement will do little to limit Microsoft's anticompetitive behavior. It would be a grievous waste of taxpayer money if this settlement was the end result of the case. I implore you to reconsider this course of action.

Thank you for your time in considering this matter.

Sincerely,
Jeffrey Rehbein Macintosh Games Developer

MTC-00033547

From: paul podnar
To: Microsoft ATR
Date: 1/27/02 9:56pm
Subject: Microsoft settlement

I do not believe that the proposed remedies represent what is in the best interest of the people or the computer industry. My company has been damaged by the illegal workings of Microsoft and so have many others in the world.

The entire Apple computer platform and Motorola has been damaged by the monopolistic practices and pressure put on Apple to stop certain developments. Netscape went from a majority player in the browser field to a minority player and almost bankrupt. Java was corrupted by the efforts of Microsofts J++ development and not Microsoft is after the internet with their .Net strategy which was really built upon Nescapes efforts.

Microsofts efforts also misrepresent the stability and security of all their operating systems and application programs. Many individuals and businesses have been damaged due to lost work and downtime caused by the low quality standards of the Microsoft software. My remedies would include:

1. A payment to Netscape/AOL for the market stolen by Microsofts free browser. This might be one half of current estimated Internet explorer users times about 29 dollars for the people that would have purchased a Netscape product.

2. A major free update of Windows 98 and the Office program which would run on the computers purchased by businesses in the 1998 year which would work as advertised and be much more stabile.

3. A payment made to Sun for damages done to the JAVA platform

4. A payment made to Apple computer for the damage to the internal development of software which is known in the industry including Quicktime and Apple Works.

5. The inclusion of Quicktime as the default Windows Media Player/ Authoring medium to generally further the multimedia capabilities of millions of Windows users.

6. The inclusion of firewire support on all Windows desktops to further the advance of this quality high speed Apple bus technology.

7. Finally, a public admission of guilt from Bill Gates as to his involvement in the above matters and a media broadcast of the trial findings and testimonies key industry and Microsoft personnel. I would find the truth of this case much more interesting than the OJ Simpson trial and much more valuable to the industry, the populace and history.

Thank you for this forum to come forward and for a small part in the process of justice.

Paul j. Podnar
President
Accommodata Corporation

MTC-00033548

From: Kent Rosenkoetter
To: Microsoft ATR
Date: 1/27/02 9:58pm
Subject: Microsoft Settlement

As a graduate student in computer science (University of North Carolina—Chapel Hill) I

cannot help but be aware of the Microsoft anti-trust case. And while I believe it to be one of the most important cases for the computer industry in years, I tend to avoid dwelling on it because all I can feel is frustration. Microsoft has:

1. Used their OS monopoly and OEM agreements to prevent any computer manufacturer from selling dual-boot systems, effectively killing BeOS and incredibly slowing the spread of other OSes, particularly Free Software and Open Source OSes.

2. Used their Windows OS to spread Internet Explorer and Outlook Express, making the entire world susceptible to hundreds of viruses that do not work on any other browser/email client. This costs American business alone billions of dollars every year.

3. Many other similarly disgusting actions I do not need to list because I know many of my colleagues have already done so in detail.

My frustration stems from the proposed settlement. First, that the breakup of Microsoft did not take place. Though I do not believe a mere two pieces would have been sufficient, it would at least have shown the public that the government is willing to mete out some serious punishment for such flagrantly illegal behavior. Second, that such a puny settlement would be proposed and even endorsed by members of the government. The settlement does not adequately restrict MS's future behavior, it leaves huge loopholes for exploitation, and it for the most part neglects the concept of compensation. While I believe the settlement may have been negotiated in good faith by the prosecutors, the final agreement does not account for the severity of the crimes or for MS's habit of exploitation and arrogance.

Actually, I do not believe that any settlement negotiated with Microsoft will be in the public interest. Microsoft's lawyers will not agree to anything that will seriously curtail MS's activities, and MS's activities are entirely centered around control of all aspects of computing. No, that is not an overzealous fanatical statement. That is a direct extrapolation of the past trends that led to MS's current monopolies in operating systems, office software, and web browsers, extended to current plans like .NET and subscription-based software licensing. Any final judgement capable of effectively affecting Microsoft will never be agreed to by Microsoft.

This email is meant to express extreme displeasure with the proposed settlement. It is not meant to offer possible alterations for the reason above. Though my original thought when I learned of the breakup Judge Jackson ordered was "Three companies. Operating Systems, Applications, and Web Services." It seems that won't happen now. If you truly want an effective solution, force Microsoft to pay damages to every person and business that is a victim of a Microsoft-only virus. That will not eliminate their monopolies or promote competition for the future, but it will certainly take away their financial gain from their illegally acquired monopolies. It will also make the millions that have been victims of the serious

problems in Microsoft software feel a little better.

Kent Rosenkoetter
Graduate Student
University of North Carolina at Chapel Hill

MTC-00033549

From: matchx70@hhotmail.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:01pm
Subject: Microsoft Settlement

A single minded focus of a great company like Microsoft—to simplify the computing experience, and making IT affordable to a common man—has really been a path breaking achievement of the 20th century. Any adverse judgement will only harm the end-consumer, who will be forced to cough up money for the most essential of features & innovations. Growth & well-being of Microsoft is essential to foster competition and health of IT industry not only in the U.S., but of the economy world-wide.

CC:matchx70@hhotmail.com@inetgw

MTC-00033551

From: James Carter
To: Microsoft ATR
Date: 1/27/02 10:07pm
Subject: Microsoft Settlement
DOJ,

The proposed settlement is NOT in the public interest... it is ineffective and has large loopholes.

My name is James Michael Carter. I am a real person working in the computer industry (programmer) who can tell story after story of microsoft abuses. I have followed and complained about Microsoft abuses since the early 90's (before much of their behavior was successfully brought to the attention of anti-trust enforcers). (real person in contrast to Microsoft's fraudulent "astroturf" fake citizen's responses which have been at least several times caught!) I am very much against the proposed settlement. It is not in the public interest. As a start, I advocate the changes proposed at: <http://www.kegel.com/remedy/remedy2.html> with further resources at: <http://www.kegel.com/remedy/> Also I echo Ralph Nader's criticisms: <http://www.cptech.org/at/at/rnj12kollarkotellynov501.html>

To highlight some general problems, there are not protections for Non-MS operating systems to get hold of technical interoperability details and API's in order to build compatible and/or competing products and systems. Further, MS should not be allowed to buy technology companies... they absorb and kill off competition and gain beach-heads ensuring the next big thing will be in their controls—leveraged off their existing stranglehold and \$36 billion bank account. Profits they did not mine from the ground, but taken off the backs of consumers!! Microsoft yells how all they want to do is innovate and compete * * * yet their behaviour and snubbing of the law and our courts show their words are as trustworthy as their products' security. Make MS publish any and ALL API's, protocols, and file formats 3 months before any distribution so others may compete with them (as they profess to want).

Prevent them from buying any other companies (to make them compete and

—innovate as they claim they want to do. Make them publish all their source code.

Microsoft wants to innovate and —compete— Well then make them do exactly that * * * —Microsoft's history shows they do all to NOT have to compete* * * So, let's finally make them do what they CLAIM is all they want to do * * * The public interest requires it.

I also think microsoft should be broken up by product lines. Structural remedies are often only remedy to fix where company shows in its history to ignore consent decrees and have a penchant for not complying and for litigating (delaying until the damage is already done) (years and years now* * *).

I am a modestly self-employed programmer, who has personally suffered and seen the abuses at the hands of Microsoft. Please don't let the average folks down.

I would help you with new remedies or evaluation of such in any way I can.

sincerely,
James Carter
221 Hosea Ave. Apt. 2
Cincinnati, Ohio 45220

MTC-00033551—0002

(513) 559-9701
jcarter9@fuse.net

I attach for completeness the kegal analysis remedy fixes (which I endorse and propose as well): <http://www.kegel.com/remedy/remedy2.html>

On the Proposed Final Judgment in United States v. Microsoft

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Introduction

As a software engineer with 20 years' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, "a remedies decree in an antitrust case must seek to "unfetter a market from anticompetitive conduct", to "terminate the illegal monopoly, deny to the defendant the

fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement "strong and historic", said that it would end "Microsoft's unlawful conduct," and said "With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft."

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications Barrier to Entry faced by new entrants to the market. The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systems, and that the company's market position is protected by a substantial barrier to entry (p. 15).

Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act § 2 for illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such competition.

In the following sections I outline the basic intent of the proposed final judgment, point out areas where the intent and the implementation appear to fall short, and propose amendments to the Proposed Final Judgment (or PFJ) to address these concerns.

Please note that this document is still evolving. Feedback is welcome; to comment on this document, please join the mailing list at groups.yahoo.com/group/ms-remedy, or email me directly at dank-ms@kegel.com.

Understanding the Proposed Final Judgment
In crafting the Final Judgment, the judge will face the following questions:
How should terms like "API",
"Middleware", and "Windows OS" be defined?

How should the Final Judgment erode the Applications Barrier to Entry?
How should the Final Judgment be enforced?
What information needs to be released to ISVs to encourage competition, and under what terms?
Which practices towards OEMs should be prohibited?
Which practices towards ISVs should be prohibited?
Which practices towards large users should be prohibited?
Which practices towards end users should be prohibited?

Here is a very rough summary which paraphrases provisions III.A through III.J and VI. of the Proposed Final Judgment to give

some idea of how the PFJ proposes to answer those questions:

PFJ Section III: Prohibited Conduct

Microsoft will not retaliate against OEMs who support competitors to Windows, Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), or Outlook Express (OE). Microsoft will publish the wholesale prices it charges the top 20 OEMs (Original Equipment Manufacturers) for Windows.

Microsoft will allow OEMs to customize the Windows menus, desktop, and boot sequence, and will allow the use of non-Microsoft bootloaders. Microsoft will publish on MSDN (the Microsoft Developer Network) the APIs used by IE, MJ, WMP, WM, and OE, so that competing web browsers, media players, and email clients can plug in properly to Windows. Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers.

Microsoft will not force business partners to refrain from supporting competitors to Windows, IE, MJ, WMP, WM, or OE. (Roughly same as F above.)

Microsoft will let users and OEMs remove icons for IE, MJ, WMP, WM, and OE, and let them designate competing products to be used instead. Microsoft will license on reasonable terms any intellectual property rights needed for other companies to take advantage of the terms of this settlement.

This agreement lets Microsoft keep secret anything having to do with security or copy protection.

PFJ Section VI: Definitions

“API” (Application Programming Interface) is defined as only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. “Microsoft Middleware Product” is defined as Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). “Windows Operating System Product” is defined as Windows 2000 Professional, Windows XP Home, and Windows XP Professional.

The agreement can be summed up in one breath as follows: Microsoft agrees to compete somewhat less vigorously, and to let competitors interoperate with Windows in exchange for royalty payments. Considering all of the above, one should read the detailed terms of the Proposed Final Judgment, and ask one final question:

Is the Proposed Final Judgment in the public interest?

In the sections below, I'll look in more detail at how the PFJ deals with the above questions.

How should terms like “API”, “Middleware, and “Windows OS” be defined?

The definitions of various terms in Part VI of the PFJ differ from the definitions in the Findings of Fact and in common usage, apparently to Microsoft's benefit. Here are some examples:

Definition A: “API”

The Findings of Fact (? 2) define “API” to mean the interfaces between application programs and the operating system. However, the PFJ's Definition A defines it to mean only the interfaces between Microsoft Middleware and Microsoft Windows, excluding Windows APIs used by other application programs. For instance, the PFJ's definition of API might omit important APIs such as the Microsoft Installer APIs which are used by installer programs to install software on Windows.

Definition J: “Microsoft Middleware”

The Findings of Fact (? 28) define “middleware” to mean application software that itself presents a set of APIs which allow users to write new applications without reference to the underlying operating system. Definition J defines it in a much more restrictive way, and allows Microsoft to exclude any software from being covered by the definition in two ways:

By changing product version numbers. For example, if the next version of Internet Explorer were named “7.0.0” instead of “7” or “7.0”, it would not be deemed Microsoft Middleware by the PFJ.

By changing how Microsoft distributes Windows or its middleware. For example, if Microsoft introduced a version of Windows which was only available via the Windows Update service, then nothing in that version of Windows would be considered Microsoft Middleware, regardless of whether Microsoft added it initially or in a later update. This is analogous to the loophole in the 1995 consent decree that allowed Microsoft to bundle its browser by integrating it into the operating system.

Definition K: “Microsoft Middleware Product”

Definition K defines “Microsoft Middleware Product” to mean essentially Internet Explorer (IE), Microsoft Java (MJ), Windows Media Player (WMP), Windows Messenger (WM), and Outlook Express (OE). The inclusion of Microsoft Java and not Microsoft.NET is questionable; Microsoft has essentially designated Microsoft.NET and C# as the successors to Java, so on that basis one would expect Microsoft.NET to be included in the definition.

The inclusion of Outlook Express and not Outlook is questionable, as Outlook (different and more powerful than Outlook Express) is a more important product in business, and fits the definition of middleware better than Outlook Express.

The exclusion of Microsoft Office is questionable, as many components of Microsoft Office fit the Finding of Fact's definition of middleware. For instance, there is an active market in software written to run on top of Microsoft Outlook and Microsoft Word, and many applications are developed for Microsoft Access by people who have no knowledge of Windows APIs.

Definition U: “Windows Operating System Product”

Microsoft's monopoly is on Intel-compatible operating systems. Yet the PFJ in definition U defines a “Windows Operating System Product” to mean only Windows 2000 Professional, Windows XP Home,

Windows XP Professional, and their successors. This purposely excludes the Intel-compatible operating systems Windows XP Tablet PC Edition and Windows CE; many applications written to the Win32 APIs can run unchanged on Windows 2000, Windows XP Tablet PC Edition, and Windows CE, and with minor recompilation, can also be run on Pocket PC. Microsoft even proclaims at www.microsoft.com/windowsxp/tabletpc/tabletqcqanda.asp: “The Tablet PC is the next-generation mobile business PC, and it will be available from leading computer makers in the second half of 2002. The Tablet PC runs the Microsoft Windows XP Tablet PC Edition and features the capabilities of current business laptops, including attached or detachable keyboards and the ability to run Windows-based applications.” and Pocket PC: Powered by Windows

Microsoft is clearly pushing Windows XP Tablet PC Edition and Pocket PC in places (e.g. portable computers used by businessmen) currently served by Windows XP Home Edition, and thus appears to be trying to evade the Final Judgment's provisions. This is but one example of how Microsoft can evade the provisions of the Final Judgment by shifting its efforts away from the Operating Systems listed in Definition U and towards Windows XP Tablet Edition, Windows CE, Pocket PC, X-Box, or some other Microsoft Operating System that can run Windows applications.

How should the Final Judgment erode the Applications Barrier to Entry?

The PFJ tries to erode the Applications Barrier to Entry in two ways: By forbidding retaliation against OEMs, ISVs, and IHVs who support or develop alternatives to Windows.

By taking various measures to ensure that Windows allows the use of non-Microsoft middleware.

A third option not provided by the PFJ would be to make sure that Microsoft raises no artificial barriers against non-Microsoft operating systems which implement the APIs needed to run application programs written for Windows. The Findings of Fact (?52) considered the possibility that competing operating systems could implement the Windows APIs and thereby directly run software written for Windows as a way of circumventing the Applications Barrier to Entry. This is in fact the route being taken by the Linux operating system, which includes middleware (named WINE) that can run many Windows programs.

By not providing some aid for ISVs engaged in making Windows-compatible operating systems, the PFJ is missing a key opportunity to encourage competition in the Intel-compatible operating system market. Worse yet, the PFJ itself, in sections III.D. and III.E., restricts information released by those sections to be used “for the sole purpose of interoperating with a Windows Operating System Product”. This prohibits ISVs from using the information for the purpose of writing operating systems that interoperate with Windows programs.

How should the Final Judgment be enforced?

The PFJ as currently written appears to lack an effective enforcement mechanism. It

does provide for the creation of a Technical Committee with investigative powers, but appears to leave all actual enforcement to the legal system.

What information needs to be released to ISVs to encourage competition, and under what terms?

The PFJ provides for increased disclosure of technical information to ISVs, but these provisions are flawed in several ways:

1. The PFJ fails to require advance notice of technical requirements Section III.H.3. of the PFJ requires vendors of competing middleware to meet "reasonable technical requirements" seven months before new releases of Windows, yet it does not require Microsoft to disclose those requirements in advance. This allows Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

2. API documentation is released too late to help ISVs

Section III.D. of the PFJ requires Microsoft to release via MSDN or similar means the documentation for the APIs used by Microsoft Middleware Products to interoperate with Windows; release would be required at the time of the final beta test of the covered middleware, and whenever a new version of Windows is sent to 150,000 beta testers. But this information would almost certainly not be released in time for competing middleware vendors to adapt their products to meet the requirements of section III.H.3, which states that competing middleware can be locked out if it fails to meet unspecified technical requirements seven months before the final beta test of a new version of Windows.

3. Many important APIs would remain undocumented

The PFJ's overly narrow definitions of "Microsoft Middleware Product" and "API" means that Section III.D.'s requirement to release information about Windows interfaces would not cover many important interfaces.

4. Unreasonable Restrictions are Placed on the Use of the Released Documentation ISVs writing competing operating systems as outlined in Findings of Fact (?52) sometimes have difficulty understanding various undocumented Windows APIs. The information released under section III.D. of the PFJ would aid those ISVs—except that the PFJ disallows this use of the information. Worse yet, to avoid running afoul of the PFJ, ISVs might need to divide up their engineers into two groups: those who refer to MSDN and work on Windows-only applications; and those who cannot refer to MSDN because they work on applications which also run on non-Microsoft operating systems. This would constitute retaliation against ISVs who support competing operating systems.

5. File Formats Remain Undocumented No part of the PFJ obligates Microsoft to release any information about file formats, even though undocumented Microsoft file formats form part of the Applications Barrier to Entry (see "Findings of Fact" ?20 and ? 39).

6. Patents covering the Windows APIs remain undisclosed

Section III.I of the PFJ requires Microsoft to offer to license certain intellectual

property rights, but it does nothing to require Microsoft to clearly announce which of its many software patents protect the Windows APIs (cf. current practice at the World Wide Web Consortium, <http://www.w3.org/TR/patent-practice>). This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users, as illustrated by this report from Codeweavers, Inc.: When selecting a method of porting a major application to Linux, one prospect of mine was comparing Wine [a competing implementation of some of the Windows APIs] and a toolkit called "MainWin". MainWin is made by Mainssoft, and Mainssoft licenses its software from Microsoft. However, this customer elected to go with the Mainssoft option instead. I was told that one of the key decision making factors was that Mainssoft representatives had stated that Microsoft had certain critical patents that Wine was violating. My customer could not risk crossing Microsoft, and declined to use Wine. I didn't even have a chance to determine which patents were supposedly violated; nor to disprove the validity of this claim.

The PFJ, by allowing this unclear legal situation to continue, is inhibiting the market acceptance of competing operating systems. Which practices towards OEMs should be prohibited?

The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional "white box" OEMs, if they offer competing products.—

Section III.B. also allows Microsoft to offer unspecified Market Development Allowances—in effect, discounts—to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas.

Which practices towards ISVs should be prohibited?

Sections III.F. and III.G. of the PFJ prohibit certain exclusionary licensing practices by Microsoft towards ISVs.

However, Microsoft uses other exclusionary licensing practices, none of which are mentioned in the PFJ. Several of Microsoft's products' licenses prohibit the products' use with popular non-Microsoft middleware and operating systems. Two examples are given below.

1. Microsoft discriminates against ISVs who ship Open Source or Free Software applications

The Microsoft Windows Media Encoder 7.1 SDK EULA states ... you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux) or similar licensing or distribution models ... Publicly Available Software includes, without limitation, software licensed or distributed under any of the following licenses or distribution models, or licenses or distribution models similar to any of the following: GNU's General Public License (GPL) or Lesser/Library GPL (LGPL); The Artistic License (e.g., PERL); the Mozilla Public License; the Netscape Public License; the Sun Community Source License (SCSL);

...

Many Windows APIs, including Media Encoder, are shipped by Microsoft as add-on SDKs with associated redistributable components. Applications that wish to use them must include the add-ons, even though they might later become a standard part of Windows. Microsoft often provides those SDKs under End User License Agreements (EULAs) prohibiting their use with Open Source or Free Software applications. This harms ISVs who choose to distribute their applications under Open Source or Free Software licenses; they must hope that the enduser has a sufficiently up-to-date version of the addon API installed, which is often not the case. Applications potentially harmed by this kind of EULA include the competing middleware product Netscape 6 and the competing office suite StarOffice; these EULAs thus can cause support problems for, and discourage the use of, competing middleware and office suites.

Additionally, since Open Source or Free Software applications tend to also run on non-Microsoft operating systems, any resulting loss of market share by Open Source or Free Software applications indirectly harms competing operating systems.

2. Microsoft discriminates against ISVs who target Windows-compatible competing Operating Systems

The Microsoft Platform SDK, together with Microsoft Visual C++, is the primary toolkit used by ISVs to create Windows-compatible applications. The Microsoft Platform SDK EULA says: "Distribution Terms. You may reproduce and distribute ... the Redistributable Components... provided that (a) you distribute the Redistributable Components only in conjunction with and as a part of your Application solely for use with a Microsoft Operating System Product..."

This makes it illegal to run many programs built with Visual C++ on Windows-compatible competing operating systems.

By allowing these exclusionary behaviors, the PFJ is contributing to the Applications Barrier to Entry faced by competing operating systems. Which practices towards large users should be prohibited?

The PFJ places restrictions on how Microsoft licenses its products to OEMs, but

not on how it licenses products to large users such as corporations, universities, or state and local governments, collectively referred to as "enterprises". Yet enterprise license agreements often resemble the per-processor licenses which were prohibited by the 1994 consent decree in the earlier *US v. Microsoft* antitrust case, in that a fee is charged for each desktop or portable computer which could run a Microsoft operating system, regardless of whether any Microsoft software is actually installed on the affected computer. These agreements are anticompetitive because they remove any financial incentive for individuals or departments to run non-Microsoft software. Which practices towards end users should be prohibited?

Microsoft has used both restrictive licenses and intentional incompatibilities to discourage users from running Windows applications on Windows-compatible competing operating systems. Two examples are given below.

1. Microsoft uses license terms which prohibit the use of Windows-compatible competing operating systems MSNBC (a subsidiary of Microsoft) offers software called NewsAlert. Its EULA states "MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of the operating system for which the SOFTWARE PRODUCT was designed [e.g., Microsoft Windows(r) 95; Microsoft Windows NT(r), Microsoft Windows 3.x, Macintosh, etc.]"

Only the Windows version appears to be available for download. Users who run competing operating systems (such as Linux) which can run some Windows programs might wish to run the Windows version of NewsAlert, but the EULA prohibits this.

MSNBC has a valid interest in prohibiting use of pirated copies of operating systems, but much narrower language could achieve the same protective effect with less anticompetitive impact. For instance, "MSNBC Interactive grants you the right to install and use copies of the SOFTWARE PRODUCT on your computers running validly licensed copies of Microsoft Windows or compatible operating system."

2. Microsoft created intentional incompatibilities in Windows 3.1 to discourage the use of non-Microsoft operating systems An episode from the 1996 *Caldera v. Microsoft* antitrust lawsuit illustrates how Microsoft has used technical means anticompetitively. Microsoft's original operating system was called MS-DOS. Programs used the DOS API to call up the services of the operating system. Digital Research offered a competing operating system, DR-DOS, that also implemented the DOS API, and could run programs written for MS-DOS.

Windows 3.1 and earlier were not operating systems per se, but rather middleware that used the DOS API to interoperate with the operating system. Microsoft was concerned with the competitive threat posed by DR-DOS, and added code to beta copies of Windows 3.1 so it would display spurious and misleading error messages when run on DR-DOS. Digital Research's successor company, Caldera,

brought a private antitrust suit against Microsoft in 1996. (See the original complaint, and Caldera's consolidated response to Microsoft's motions for partial summary judgment.) The judge in the case ruled that "Caldera has presented sufficient evidence that the incompatibilities alleged were part of an anticompetitive scheme by Microsoft." That case was settled out of court in 1999, and no court has fully explored the alleged conduct.

The concern here is that, as competing operating systems emerge which are able to run Windows applications, Microsoft might try to sabotage Windows applications, middleware, and development tools so that they cannot run on non-Microsoft operating systems, just as they did earlier with Windows 3.1.

The PFJ as currently written does nothing to prohibit these kinds of restrictive licenses and intentional incompatibilities, and thus encourages Microsoft to use these techniques to enhance the Applications Barrier to Entry, and harming those consumers who use non-Microsoft operating systems and wish to use Microsoft applications software. Is the Proposed Final Judgment in the public interest?

The problems identified above with the Proposed Final Judgment can be summarized as follows:

The PFJ doesn't take into account Windows-compatible competing operating systems Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the PFJ fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions The PFJ supposedly makes Microsoft publish its secret APIs, but it defines "API" so narrowly that many important APIs are not covered. The PFJ supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines "Microsoft Middleware" so narrowly that the next version of Windows might not be covered at all.

The PFJ allows users to replace Microsoft Java with a competitor's product—but Microsoft is replacing Java with .NET. The PFJ should therefore allow users to replace Microsoft.NET with competing middleware. The PFJ supposedly applies to "Windows", but it defines that term so narrowly that it doesn't cover Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box—operating systems that all use the Win32 API and are advertised as being "Windows Powered".

The PFJ fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before the deadline, and not informing ISVs.

The PFJ requires Microsoft to release API documentation to ISVs so they can create compatible middleware—but only after the deadline for the ISVs to demonstrate that their middleware is compatible. The PFJ requires Microsoft to release API documentation—but prohibits competitors from using this documentation to help make

their operating systems compatible with Windows.

The PFJ does not require Microsoft to release documentation about the format of Microsoft Office documents.

The PFJ does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents? This can scare away potential users.

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft Microsoft currently uses restrictive licensing terms to keep Open Source or Free Software apps from running on Windows. Microsoft currently uses restrictive licensing terms to keep Windows apps from running on competing operating systems. Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which could run a Microsoft operating system—even for computers running Linux. (Similar licenses to OEMs were once banned by the 1994 consent decree.) The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft Microsoft has in the past inserted intentional incompatibilities in its applications to keep them from running on competing operating systems. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs The PFJ allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

The PFJ allows Microsoft to discriminate against small OEMs—including regional "white box" OEMs which are historically the most willing to install competing operating systems—who ship competing software. The PFJ allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.

The PFJ as currently written appears to lack an effective enforcement mechanism.

Considering these problems, one must conclude that the Proposed Final Judgment as written allows and encourages significant anticompetitive practices to continue, and would delay the emergence of competing Windows-compatible operating systems. Therefore, the Proposed Final Judgment is not in the public interest, and should not be adopted without addressing these issues.

Strengthening the PFJ

The above discussion shows that the PFJ does not satisfy the Court of Appeals' mandate. Some of the plaintiff States have proposed an alternate settlement which fixes many of the problems identified above. The States' proposal is quite different from the PFJ as a whole, but it contains many elements which are similar to elements of the PFJ, with small yet crucial changes.

In the sections below, I suggest amendments to the PFJ that attempt to resolve some of the demonstrated problems (time pressure has prevented anything like a complete list of amendments). When

discussing amendments, PFJ text is shown indented; removed text is shown in [bracketed strikeout], and new text in bold italics.

Correcting the PFJ's definitions

Definition A should be amended to read

A. "Application Programming Interfaces (APIs) "means the interfaces, including any associated callback interfaces, that [Microsoft Middleware running] Popular Windows Applications running or being installed on a Windows Operating System Product [uses] use to call upon that Windows Operating System Product in order to obtain any services from that Windows Operating System Product.

Definition U should be amended to read

U. "Windows Operating System Product" means [the software code (as opposed to source code) distributed commercially by Microsoft for use with Personal Computers as Windows 2000 Professional, Windows XP Home, Windows XP Professional, and successors to the foregoing, including the Personal Computer versions of the products currently code named "Longhorn" and "Blackcomb" and their successors, including upgrades, bug fixes, service packs, etc. The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion.] any software or firmware code distributed commercially by Microsoft that is capable of executing any nontrivial subset of the Win32 APIs, including without exclusion Windows 2000 Professional, Windows XP Home, Windows XP Professional, Windows XP Tablet PC Edition, Windows CE, PocketPC 2002, and successors to the foregoing, including the products currently code named "Longhorn" and "Blackcomb" and their successors, including upgrades, bug fixes, service packs, etc. Four new definitions should be added:

V. "Popular Windows Applications" shall be defined as as the top 10 selling applications as reported by NPD Intellect Market Tracking in each of the categories Business, Education, Finance, Games, Personal Productivity, and Reference, plus all Microsoft Middleware Products.

W. "Essential Windows API Patents" shall be defined as those patents held by Microsoft which cover Essential Windows APIs, such that those APIs cannot possibly be implemented without infringing upon said patents.

X. "Essential Windows APIs Standard Definition" shall be defined as a document, suitable for approval by a standards body such as ECMA or IEEE, which accurately defines the inputs, outputs, and behavior of each Essential Windows API, and enumerates any Essential Windows API Patents.

Y. "Essential Windows APIs Standard Compliance Test Suite" shall be defined as software source code which, when compiled and run, automatically tests an operating system for compliance with the Essential Windows APIs Standard Definition, and outputs a list of each API which fails to comply with the Essential Windows APIs Standard Definition. The test suite should run unattended; that is, it should be capable of running without human interaction or supervision.

Release of Information

Section E should be amended to remove the restriction on the use of the disclosed information:

... Microsoft shall disclose ... [for the sole purpose of interoperating with a Windows Operating System Product.] for the purpose of interoperating with a Windows Operating System Product or with application software written for Windows. Because any new competitor in the Intel-compatible operating system must be able to run Windows applications to have a chance in the market, and because Microsoft has traditionally used undocumented Windows APIs as part of the Applications Barrier to Entry, the Final Judgment should provide explicitly for a clear definition of what APIs a competing operating system must provide to run Windows applications. The best way to do this is by submitting the API definitions to a standards body.

This was done in 1994 for the Windows 3.1 APIs (see Sun's 1994 press release about WABI 2.0 and the Public Windows Initiative). The result is Standard ECMA-234: Application Programming Interface for Windows (APIW), which provides standard definitions for an essential subset (four hundred and forty-four out of the roughly one thousand) of the Windows 3.1 APIs; it was rendered mostly obsolete by the switch to Windows 95. The Final Judgment should provide for the creation of something like ECMA-234 for the various modern versions of Windows.

Because Microsoft currently claims that it has intellectual property rights that protect the Windows APIs, but has never spelled out exactly which patents cover which APIs, the Final Judgment should force this to be spelled out.

A new section IV.E should be created to achieve the above goals by adding the following text:

E. Establishment of a Windows API Standards Expert Group Within 60 days of entry of this Final Judgment, the parties shall create and recommend to the Court for its appointment a six person Windows API Standards Expert Group ("WASEG") to manage the creation, publication, and maintenance of an Essential Windows APIs Standard Definition, and to guide it through the process of being adopted by a standards body such as ECMA or the IEEE.

Three of the WASEG members shall be experts in software design and programming, and three of the WASEG members shall be experts in intellectual property law. No WASEG member shall have a conflict of interest that could prevent him or her from performing his or her duties under this Final Judgment in a fair and unbiased manner. No WASEG member shall have entered into any non-disclosure agreement that is still in force with Microsoft or any competitor to Microsoft, nor shall she or he enter into such an agreement during her or his term on the WASEG.

Without limitation to the foregoing, no WASEG member shall have been employed in any capacity by Microsoft or any competitor to Microsoft within the past year, nor shall she or he be so employed during his or her term on the WASEG.

Within seven days of entry of this Final Judgment, the Plaintiffs as a group shall select two software experts and two intellectual property law experts to be members of the WASEG, and Microsoft shall select one software expert and one intellectual property law expert to be members of the WASEG; the Plaintiffs shall then apply to the Court for appointment of the persons selected by the Plaintiffs and Microsoft pursuant to this section.

Each WASEG member shall serve for an initial term of 30 months. At the end of a WASEG member's initial 30-month term, the party that originally selected him or her may, in its sole discretion, either request re-appointment by the Court to a second 30-month term or replace the WASEG member in the same manner as provided for above.

If the United States or a majority of the Plaintiffs determine that a member of the WASEG has failed to act diligently and consistently with the purposes of this Final Judgment, or if a member of the WASEG resigns, or for any other reason ceases to serve in his or her capacity as a member of the WASEG, the person or persons that originally selected the WASEG member shall select a replacement member in the same manner as provided for above.

Promptly after appointment of the WASEG by the Court, the United States shall enter into a Windows API Expert Group services agreement ("WASEG Services Agreement") with each WASEG member that grants the rights, powers and authorities necessary to permit the WASEG to perform its duties under this Final Judgment. Microsoft shall indemnify each WASEG member and hold him or her harmless against any losses, claims, damages, liabilities or expenses arising out of, or in connection with, the performance of the WASEG's duties, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the WASEG member. The WASEG Services Agreements shall include the following:

The WASEG members shall serve, without bond or other security, at the cost and expense of Microsoft on such terms and conditions as the Plaintiffs approve, including the payment of reasonable fees and expenses. The WASEG Services Agreement shall provide that each member of the WASEG shall comply with the limitations provided for in section IV.E.2. above.

Microsoft shall provide the WASEG with funds needed to procure office space, telephone, other office support facilities, consultants, or contractors required by the WASEG.

The WASEG shall not have direct access to any part of Microsoft's computer software source code that is not normally available to all ISV's. The WASEG shall not enter into any non-disclosure agreements with Microsoft or third parties. No implementations of any Windows APIs shall be written or published by the WASEG.

The WASEG shall have the following powers and duties: The WASEG may require Microsoft to provide comprehensive answers to questions about Microsoft intellectual property claims.

The WASEG may require Microsoft to provide comprehensive answers to questions about the inputs, outputs, and functionality of any Windows API; in particular, the WASEG may compel Microsoft to provide complete documentation for Windows APIs, including hitherto undocumented or poorly-documented Windows APIs.

The WASEG may engage, at the cost and expense of Microsoft, the services of outside consultants and contractors as required to fulfill the duties of the WASEG.

The WASEG shall establish a publicly available web site not owned or otherwise controlled by Microsoft, and will publish status reports and other information there at least as often as once per month. Documentation on the web site shall be made available subject to the terms of the GNU Free Documentation License; test suite source code made available on the web site shall be made available subject to the terms of the GNU General Public License.

The WASEG shall compile a complete list of Windows APIs, including for each API the DLL name, entry point name, entry point ordinal number, return value type, and parameter types, as well as which versions of Windows it is supported by and what percentage of Popular Windows Applications use it. The WASEG shall publish this list on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish this information for at least three hundred Windows APIs. On the 1st of each month thereafter, the WASEG shall publish this information for another three hundred Windows APIs. This shall continue until a complete list of Windows APIs is available on the web site. The WASEG shall use tools such as Apilus from Sarion Systems Research to verify that the list of Windows APIs is indeed complete, and that installing or running any Popular Windows Application does not cause any unlisted Windows API to be invoked.

The WASEG shall compile a complete list of Essential Windows API patents and patents pending, and an evaluation of which Windows APIs each patent covers. The WASEG shall compile this information by asking Microsoft for a complete list of Essential Windows API patents and patents pending, and then determining which Windows APIs are likely to be covered by each patent or patent pending; the WASEG shall use the World Wide Web Consortium's document www.w3.org/TR/2002/NOTE-patent-practice-20020124 as guidance. The WASEG shall publish this information on the WASEG web site subject to the GNU Free Documentation License, according to the following schedule: Within 90 days after the WASEG is convened, the WASEG shall publish an evaluation of 30 patents. On the 1st of each month thereafter, the WASEG shall publish an evaluation of another 30 patents. This shall continue until evaluations of all patents claimed by Microsoft to cover the Windows APIs have been published on the WASEG web site.

The WASEG shall compile documentation for the list of Windows APIs defined above in section IV.E.9.e, including a complete

description of the meanings of the return values and parameters, and the effects of the API. The documentation should be composed in a style similar to that used for the Single Unix Specification documentation (<http://www.UNIX-systems.org/go/unix>). Within 180 days after the WASEG is convened, and on the 1st of every month thereafter until complete, the WASEG will make available the currently completed portion of this documentation via its web site.

When the three documents described above—the list of Windows APIs, the list of Essential Windows Patents, and the documentation for the listed Windows APIs—is complete, the WASEG shall undertake to submit them to a standards body such as ECMA or the IEEE as a Public Windows APIs Standard Document, and to make such enhancements and revisions as needed to gain the acceptance of that document as a standard.

The WASEG shall create an Essential Windows APIs Standard Compliance Test Suite, and publish it on the WASEG web site subject to the GNU General Public License, according to the following schedule: Within 180 days after the WASEG is convened, the WASEG shall publish test cases for at least fifty Windows APIs. On the 1st of each month thereafter, the WASEG shall publish test cases for at least another fifty Windows APIs. This shall continue until a complete Essential Windows APIs Standard Compliance Test Suite is available on the web site.

In the event that a planned update to Windows or any other Microsoft product is expected to result in the creation of new Windows APIs, the WASEG shall create addenda to the above documents and test suite covering the new APIs, make them available via its web site, and undertake to submit them to the same standards body as above as an addendum to the standard.

Prohibition of More Practices Toward OEMs

III. A. 2. of the Proposed Final Judgment should be amended to read 2. shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System, or (c) includes a non-Microsoft Operating System but no Windows Operating System Product; or ...

Summary

This document demonstrates that there are so many problems with the PFJ that it is not in the public interest. It also illustrates how one might try to fix some of these problems.

Dan Kegel

MTC-00033552

From: Michael L. Mitchell
To: Microsoft ATR
Date: 1/27/02 10:07pm
Subject: Microsoft Settlement
** Secret **

Hello,

I would like to provide my comment on the settlement that the Justice Department has entered in with Microsoft. I believe that the settlement is quite adequate. If anymore were to be done it has a reverse effect of harming the consumer (me). I think it is time that this

matter be settle and the allow Microsoft and the Justice Department move forward.

Thank you
Michael L. Mitchell
Brandon, FL

MTC-00033553

From: Michael Batchelder
To: Microsoft ATR
Date: 1/27/02 10:09pm
Subject: Microsoft settlement

I would like to register my dissatisfaction with the proposed settlement in the case of US v. Microsoft. As an information technology professional, I have personally witnessed Microsoft's policies restricting consumer choice (my own, w/regard to purchasing computers without Windows operating systems), failing to provide quality service (for which increased competition should be the solution), and limiting, rather than encouraging innovation.

Should the Department of Justice choose to move forward with the proposed settlement, I will take it as compelling evidence that the Bush administration is clearly a government "for large corporate interests, by large corporate interests, and of large corporate interests", at the expense of the peoples' interest.

Thank you,
Michael Batchelder
Redwood City, CA

MTC-00033554

From: jbarney
To: Microsoft ATR
Date: 1/27/02 10:10pm
Subject: microsoft settlement

I am a small business owner. Ten years ago my business had to cobble together a variety of software programs in order to operate my business because one program would not talk to another program. To do so was very expensive and time consuming. These are the very companies that are suing Microsoft. Along came Microsoft and tied it all together, and did so at a reasonable price. These other companies are just whining because they still don't have the ability to come up with a workable system.

Their is no antitrust case against Microsoft. Nobody has been hurt. Quite the contrary, Microsoft has made life a lot easier for most of us. It is just a political charade. Quit spending taxpayer money, throw the case out. and get on with life.

Jack Barney

MTC-00033555

From: jwjptw
To: Microsoft ATR
Date: 1/27/02 10:15pm
Subject: Microsoft Settlement

Dear Sirs:

I would recommend that the DOJ stop any further action against Microsoft and accept the settlement. I have been involved with computers for 24 years and decided long ago it made sense to go with Microsoft products beginning with MS-DOS. They have developed good products with excellent support and training. They have empowered the home computer user to expand his vision and utilize tools that previously were beyond his expectations and without effort to learn programming in order to achieve immediate

success. Microsoft has done more to advance human knowledge and productivity than any single corporation has in the technical age.

Many of the plaintiffs exhibit greed and envy in their comments and actions while trying to get the government to grievously impair a competitor when their primary damage is to their egos.

The attorneys in the federal government, states, and some individual corporations have used this venue to enhance their own public images, which is such a waste of public money. You have a settlement; take it and get on to matters that are more important.

Thank you,
Jack Jenkins

MTC-00033557

From: Michael Capehart
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Settlement

The settlement is a bad idea, and will only serve to let Microsoft off with a slap on the wrist for destroying any real chance for competition in the computer software industry. Stop them now, because you will not get another chance.

Mike Capehart
mwcapehart@earthlink.net
mikespacer@earthlink.net

MTC-00033558

From: Kevin P. Rice
To: Microsoft ATR
Date: 1/27/02 10:18pm
Subject: Microsoft Settlement

My name is Kevin Rice. I live in Bellevue, Washington, and work as a business analyst. As part of my work, I use many of Microsoft's products, including Microsoft Windows NT and Microsoft Office 97. I consider myself to be a power user and build sophisticated documents with Microsoft Excel and Access that include procedures written using built in macro language for Office, Visual Basic for Applications. At home, I use an Apple Macintosh and Microsoft Office 98, so I am familiar with multiple computer operating systems.

The Revised Proposed Final Judgement as currently structured does not meet the public interest. The proposed penalties are inadequate given Microsoft's anticompetitive behavior as outlined in the Findings of Fact, and Microsoft has too much influence over enforcement through the Technical Committee. The current competitive situation in the computer industry and its impact on consumers requires tougher, enforceable penalties.

According to the Findings of Fact, Microsoft has engaged in anticompetitive business behavior. It is important that there be punishment for this behavior; without adequate punishment, Microsoft has no incentive to discontinue and alter the behavior deemed anticompetitive by the courts. Microsoft could easily defend itself against complaints using the legal system, while small businesses with innovative products beneficial to the consumer would have no practical recourse, even in the courts, if they were the victims of any anticompetitive practice by Microsoft. The

Final Judgement in Civil Action 94-1564 prohibits Microsoft from entering "into any License Agreement that by its terms prohibits or restricts the OEM's licensing, sale or distribution of any non-Microsoft Operating System Software product." Also, Microsoft cannot enter into an agreement with an OEM that prohibits the OEM from "licensing, purchasing, using or distributing any non-Microsoft product." According to the Findings of Fact, Microsoft has already violated the prohibitions in the Final Judgement by not allowing OEMs to install their own tutorial software to their computers' boot sequence. This prevented OEMs from offering a useful benefit to consumers. Microsoft also violated the spirit of the Final Judgement by not allowing OEMs to delete the Internet Explorer icon from the Windows desktop; this discouraged OEMs from putting an alternative browser on the desktop because it would be confusing to consumers. Given this behavior, stricter remedies would be appropriate. However the Revised Proposed Final Judgement does little more than restate the prohibited behavior of the previous Final Judgement using more precise language updated to reflect the current industry environment. This will not prevent Microsoft from altering their behavior in ways that may (or may not) be in compliance but would still be anticompetitive, requiring more legal action and prolonging harm to consumers. The language in the RPFJ also does nothing to penalize Microsoft for illegal behavior. This will make the prohibitions in the RPFJ more difficult to enforce, since violations of the prior Final Judgement resulted in no significant penalty to Microsoft.

The RPFJ calls for the establishment of a Technical Committee, with one member chosen by Microsoft and another member that the Microsoft-chosen TC member must agree to. Given that Microsoft has been "found guilty" of anticompetitive monopoly maintenance, they have too much influence over the makeup of the TC. The selection process for the Technical Committee is analogous to giving an accused murderer the ability to choose some of the jurors for his trial. A better alternative would be to give Microsoft limited veto ability similar to a jury selection process, with members randomly selected from a pool of candidates that meet the qualifications outlined in the RPFJ.

The current Revised Proposed Final Judgement does not improve the competitive environment in the computer industry and does not benefit consumers or the public interest. Because of the lack of serious alternatives to Microsoft products, consumers pay more for those products in extra time spent resolving defects in Microsoft software. These defects range from bugs that interfere with the desired use of computer software to vulnerabilities to viruses such as Melissa, Code Red, and Nimda. In addition there may be an unknown number of potential innovations in computer hardware or software that will not be made available to consumers because of fear of anticompetitive business practices by Microsoft. Netscape is but one example of what can currently happen to a business with an innovative product in conflict with Microsoft's business

goals. Therefore, it is critical that any settlement or other remedy of this case effectively curbs Microsoft's anticompetitive behavior.

MTC-00033559

From: Javier L. Madrid
To: Microsoft ATR
Date: 1/27/02 10:34pm
Subject: Microsoft Settlement

Your Honor, Now is the time to preempt the further spread of Microsoft's plans to expand their ill-gotten monopoly. The company that started by offering products to make computing easier for non-programmers has reached a point of diminishing returns for those same people. For a number of years now their efforts have been focussed more on the protection of their revenue stream (you and I) than on true innovation. Not only have they been bereft of innovative products but have hired away from academia and their rivals truly innovative thinkers thus preventing the fruits of their scientific labor benefiting their competitors.

From my vantage point from within the Tech Industry I feel that this unapologetic and arrogant company that has grown so huge in its pervasiveness in every day life must be dealt with in a truly historic harsh fashion. As they have dealt brutally from a business perspective with those perceived as even remotely competitive whether it be a single person or a company so they too must now be taken to task.

These are my recommendations:

(1) They are not to be allowed to expand to ANY new technical markets for 10 years either by partnership or funding or purchasing of companies or rights to technology.

(2) Levy a 10 billion dollar penalty against the company and only accept CASH, and not spread over 5 or 10 years of installments. Use the money to help fix our educational system.

(3) They must open the entire set of Windows APIs and file formats now and in the future to truly foster competition and innovation.

Your Honor, it is key that this company not be allowed to "embrace and extend" their monopoly.

Their true intentions are not so much about producing good products as it is about preserving at all costs a regular titling from you and I.

Your Honor, it is time for you to "think outside the box".

MTC-00033560

From: Michael J. Kennedy
To: Microsoft ATR
Date: 1/27/02 10:35pm
Subject: Microsoft Settlement

To the Honorable Court: I have read and cosigned the Open Letter to DOJ Re: Microsoft Settlement written by Dan Kegal, and I am writing to further express my opinion of the Proposed Final Judgement in the United States v. Microsoft case. I believe that the Proposed Final Judgement should not go through the way it is. I am aware that the Department of Justice concluded that Microsoft has engaged in monopolistic behaviors and that Microsoft has used its

position of power to prevent competition. However, this main problem still has not been addressed fully. Under the settlement as it currently is written, Microsoft would essentially be able to continue its anti-competitive practices merely by altering some of its company procedures.

I believe that Microsoft should be required to publish documentation of its APIs for uninhibited use by developers of alternative software systems. This will serve to reduce the "applications barrier to entry," allowing developers of competing products to add compatibility for existing standards. This, in turn, allows those developers to make a successful entry into the software market, thus promoting competition.

I also contend that Microsoft should be disallowed to certify hardware devices as "designed for Windows," unless the specifications of those devices are released to the public. Consumers don't want to use an operating system that doesn't support their hardware. Maintaining secret hardware specifications hinders the development of free operating systems that run on a wide range of hardware.

In conclusion, I believe that the Proposed Final Judgment is not good enough and is in need of revision. The revisions should ensure that Microsoft cannot resume actions that are anti-competitive and that are not in the public interest. Thank you for your time and consideration.

Sincerely,
Michael J. Kennedy
Champaign, IL
Computer Science Student
University of Illinois

MTC-00033561

From: Jessica Kohagen
To: Microsoft ATR
Date: 1/27/02 10:38pm
Subject: "Microsoft Settlement"

I am writing as both a concerned college student and as a concerned consumer. I truly believe that open competition in every market promotes better quality and utilizes all the available resources. I fear that the demand for engineers in computer-related fields will decrease significantly if Microsoft's competition is restricted or eliminated. In addition, the development of computer-related technology maybe be slowed if companies aren't trying to "get an edge" over one another. Keeping unrestricted competition will ensure state-of-the-art technology and quality products for the consumer as well as job openings and possible entrepreneurship for those currently in the industry as well as those who will be entering it within a few years.

Sincerely,
Jessica Kohagen
Pardee Tower #612
614 W. 35th Pl.
Los Angeles, CA 90089
CC:microsoftcomments@doj.ca.gov@inetgw

MTC-00033562

From: Frances Fronczak
To: Ms. Renata Hesse
Date: 1/27/02 10:43pm
Subject: Microsoft Settlement
Frances Fronczak

3820-C Carlsbad Blvd
Carlsbad, CA 92008-4004
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Please stop picking on Microsoft. This is a Republic where capitalism is king and Microsoft has brought us to an unsurpassed degree of growth in technology and prosperity. The unnecessary DOJ pursuit of Microsoft has caused many financial losses to average Americans in jobs and in the financial markets. The proposed settlement should be approved so that we can all go forward and stop wasting productive American ingenuity from one of the greatest companies in the universe. The only beneficiaries from this ordeal will, in all likelihood, be the attorneys, as we have all witnessed in the past in regard to the persecution of the Tobacco companies.

Yours truly,
Frances Fronczak, MD

MTC-00033563

From: Ken Kundert
To: Microsoft ATR
Date: 1/27/02 10:43pm
Subject: Microsoft Settlement

It is clear to me that the DOJ caved in to intense lobbying pressure when it agreed to the current settlement. That is the only way to explain it. Anybody that has paid any attention to Microsoft's behavior of the last decade knows that this settlement will have no significant impact on Microsoft. They will ignore it like they ignored both the law and the restrictions that they agreed to in the past. Furthermore, I do not believe that they would have been offered this settlement had they not improperly influenced both the Executive Branch and our law makers. Giving Microsoft this settlement shows the people of the United States and the world that justice in America does not apply to the very wealthy.

It is my sincere hope that the original spirit of the Tunney act is followed. If so, I confident that it will come out that Microsoft was able to buy a very favorable settlement. At the very least, I hope that you reject the DOJ settlement and go with the settlement proposal of the 9 dissident states. Better yet, I hope you return to the idea of breaking up Microsoft. I have been involved in the software industry for 20 years, though I have never been directly or indirectly employed by either Microsoft or its competitors, and I can say with great confidence that Microsoft, with its monopoly position, has slowed the progress of the computer industry by at least 10 years. The cost of not having competitors to its buggy and insecure software has been vast. Breaking up Microsoft will be the best thing for consumers.

Ken Kundert

MTC-00033564

From: Lindsay Ray
To: Microsoft ATR
Date: 1/27/02 10:46pm
Subject: Microsoft Settlement

Dear Judge,
I don't think that the PFJ is the correct solution to this problem. Microsoft is a fabulous company, however, they are in direct violation to the law. They are guilty of some very serious anti-competitive violations. The PFJ does not provide an effective enforcement mechanism. What Microsoft has done to many companies is very wrong and needs to be stopped. It is not fair. The world needs competition.

Thanks
Lindsay Ray 213-764-3843

MTC-00033565

From: kevin@indepth-tech.com@inetgw
To: Microsoft ATR
Date: 1/27/02 10:48pm
Subject: Microsoft Settlement

Ladies and Gentlemen:
I whole heartedly support the proposed settlement agreement in U.S. v. Microsoft. While no settlement is likely to please all, this settlement has well thought out, purposeful remedies that will encourage technical innovation and market competition. It is time to accept the fair remedies of the settlement and allow the industry to concentrate on creating the new computing products that will create jobs and stimulate the economy.

Kevin Schuler
President
InDepth Technology
CC:kevin@indepth-tech.com@inetgw

MTC-00033566

From: Jim White
To: Microsoft ATR
Date: 1/27/02 10:48pm
Subject: Microsoft Settlement

To whom it may concern:
This my public comment under the Tunney Act.

I am OPPOSED to the revised proposed Final Judgment to resolve the United States' civil antitrust case against Microsoft as it currently is formulated (11/06/2001).

The proposed remedies are entirely inadequate to resolve ongoing anti-competitive practices by Microsoft with regard to the development and marketing of software competing with the Windows Operating System. Of particular importance is that no provision is made to prevent Microsoft's efforts to subvert the development and distribution of free and open software that competes with Windows. Microsoft is using its many entangling End User License Agreements for both its applications (such Internet Explorer, Microsoft Office, etc) and SDKs (software development kits, necessary in many cases for practical development of applications to be used with or to compete with Windows) to REQUIRE that the End User to only use the application software on a Microsoft licensed operating system. This is blatant product tying to the monopoly Windows OS with the direct consequence of preventing the distribution of legal competing products.

Thank you for your consideration.
Signed,
James White
Software Consultant
Laguna Hills, CA

MTC-00033568

From: Mickey Aberman
To: Microsoft ATR
Date: 1/27/02 10:59pm
Subject: Microsoft Settlement
Public Comment:

I have no dog in the Microsoft fight. Nevertheless, I have been following the case since the trial started.

Microsoft was proven to have committed massive antitrust violations. During the trial it was caught falsifying a demonstration, and its executives were caught lying many times.

The court of appeals en banc upheld the findings of serious violations and monopolizing on a scale that is huge. This was apparently the full court of appeals, comprised to a large extent of conservative judges).

How can Microsoft have any hope of avoiding massive punishment? A defendant one-tenth the size, whose violation had one-tenth the scope, would be trying to keep its executives out of jail.

The Microsoft settlement is surreal (and unfairly favorable to the Defendant). It looks like political connections or intimidation have prevailed over justice.

Microsoft really needs to be broken up into three parts.

John M. Aberman
2145 Radcliffe Avenue
Charlotte, NC 28207
(704) 372-5646

MTC-00033569

From: olivier@tesla.intra.calle.org@inetgw
To: Microsoft ATR
Date: 1/27/02 11:04pm
Subject: Microsoft Settlement

I wish to express my opposition to the Proposed Final Judgment with Microsoft.

I do not believe the proposed remedies will do anything to curb the behaviors of Microsoft which were found to be in violation of antitrust laws when the company was found guilty.

For example, the proposal includes many opportunities or loopholes for Microsoft to exclude itself from API disclosure requirements. It can simply claim that there are security reasons for not documenting an API. It can itself define who is a true competitor. Why does this Proposed Final Judgment allow Microsoft such leeway in deciding itself whether it can be excluded from a requirement of the Proposed Final Judgment? Allowing Microsoft to claim security as a reason to not disclose an API is ridiculous. Unix and Unix-like operating systems describe all their APIs clearly, some even give you all their source code (Linux, FreeBSD, OpenBSD, etc.) and do not consider this a security problem at all. Security through obscurity, as it is called, is most definitely not better than security through open discussion, availability and peer review, and in my opinion (and that of many security experts) is worse. I believe that this particular exception to disclosure should

never have made it into the Proposed Final Judgment.

My opinion that the Proposed Final Judgment lacks any true corrective power goes beyond the comment above, but applies to it as a whole. I believe that this Proposed Final Judgment heavily favors the guilty in these proceedings and fails to adequately represent the United States of America. We the people, represented by the Department of Justice, received a verdict of guilty against Microsoft, yet it now seems that we are backing down in the sentencing phase. The fact alone that the guilty party in this matter likes this Proposed Final Judgment makes it suspect beyond specific problems with it.

In summary, I believe the Proposed Final Judgment is not in the public interest. It does not seriously, nor effectively address the illegal behavior of the convicted monopolist, Microsoft.

Respectfully submitted,
Olivier Calle
Senior Software Engineer, Citizen of the
United States of America
PO Box 752
Marysville WA 98270-0752

MTC-00033570

From: Pedro Celis (wrnha)
To: Microsoft ATR
Date: 1/27/02 11:06pm
Subject: Microsoft Settlement.
Republican National Hispanic Assembly of
Washington State

Dear Sirs,

As Chairman of the Republican National Hispanic Assembly of Washington State we offer our endorsement of the agreement reached by Microsoft, the U.S. Department of Justice and nine states. The settlement should be accepted not only for its specifics, but also for the principles that it represents.

Whenever conflicts arise, our government should strive to find common ground and reach compromises with business. Negotiation and settlement is a better model for government-business relations than litigation. It is unfortunate that the dispute between Microsoft and the government has already resulted in such a long and costly trial. Better still, government should seek to minimize its interference with the competitive market place; it should work as an ally with, not an adversary to, business.

Litigation is never good for business or industry. Because virtually all businesses rely on technology, the Microsoft case affects us all. As the case proceeded, it appeared that government, not the competitive marketplace, might establish the direction of technology. Such an event would have proved disastrous for the technology industry, for the greater business community, and for the economy.

We are happy to see that a compromise and agreement has been reached between these parties and we encourage you to accept this settlement. This settlement would be fair and reasonable at any time, even if our economy was growing at a rapid pace. However that is not currently the case, and for that reason it is all the more important that the settlement be finalized and the American technology industry starts to benefit from a public policy that minimizes

costly regulation, ensures competition, and promotes fair trade and intellectual property enforcement in international markets.

Sincerely Yours,
Pedro Celis, Ph.D.
Republican National Hispanic Assembly
Washington State Chairman

MTC-00033571

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 its 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 recognition. 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,
Patrick J. Melody
3708 Acosta Rd
Fairfax VA 22031
pjmelody@concentric.net
pjmelody@acm.org

MTC-00033572

From: Kyrieeleeson@aol.com@inetgw
To: Microsoft ATR
Date: 1/27/02 11:18pm
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Dear Ms. Renata Hesse:

Please put a stop to the economically-draining witch-hunt against Microsoft. This has gone on long enough.

Microsoft has already agreed to hide its Internet Explorer icon from the desktop; the fact is, this case against Microsoft is little more than "welfare" for Netscape and other Microsoft competitors, with not a nickel going to those supposedly harmed by Microsoft: the computer user.

This is just another method for states to get free money, and a terrible precedent for the future, not only in terms of computer technology, but all sorts of innovations in the most dynamic industry the world has ever seen.

Please put a stop to this travesty of justice now. Thank you.

Sincerely,
Vince Bradley
5329 Summerlin Road
Fort Myers, FL 33919

MTC-00033574

From: Thomas Tuttle
To: Ms. Renata Hesse
Date: 1/28/02 4:31am

Subject: Microsoft Settlement
Thomas Tuttle
3602 Alpine Rd
Madison, WI 53704
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit

during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Thomas Tuttle

MTC-00033575

From: William J. McGurk
To: Ms. Renata Hesse
Date: 1/28/02 6:07am
Subject: Microsoft Settlement
William J. McGurk
Rockville Bank, 1645 Ellington Road
South Windsor, CT 06074
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

As a taxpayer and consumer, I support the proposed settlement of the Microsoft lawsuit, and urge you to approve it. Let's stop the waste of taxpayers money fighting a fair settlement.

Sincerely,
William J. McGurk

MTC-00033576

From: Walter L. Johnson
To: Renata Hesse (E-mail)
Date: 1/28/02 8:10am
Subject: DOJ v Microsoft, an end user opinion

Dear Ms. Hesse,

It is my understanding that opinions regarding the DOJ v Microsoft ruling is allowed and welcomed by your office. I have attached such a document that states what perceive and believe in the matter.

Thank you,
Walter L Johnson

From: Walter L. Johnson
To: Renata Hesse (E-mail)
Date: 1/28/02 8:10am
Subject: DOJ v Microsoft, an end user opinion

Dear Ms. Hesse,

It is my understanding that opinions regarding the DOJ v Microsoft ruling is allowed and welcomed by your office. I have attached such a document that states what perceive and believe in the matter.

Thank you,
Walter L Johnson

The agreement between Microsoft and the Department of Justice, An opinion By Walter L. Johnson While the subject, action has been concluded with what has been perceived as less than a satisfactory agreement, there are extended implications for which we must prepare. If you want to cut to the chase, see "Some final words" at the end of this opinion.

The allegations filed against Microsoft by the Department of Justice at the outset has the appearances of a cut and dried case of unfair practices involving free and open competition. The ruling therefore had all the appearance and intent of limiting unfair competition. We must conclude that there was sufficient evidence against Microsoft to create a ruling. On closer examination, the

ruling is not as straightforward as it should be, that is if Microsoft was so clearly at fault. Specifically, there are certain portions of the settlement that clearly limit Microsoft's competitive ability and others allow it to continue to compete.

Moreover, other portions of the settlement allow Microsoft to continue to pursue its larger strategy without the hindrances that the litigants were seeking. It is this enigmatic judgment that needs examination. This examination is not for the purposes of a retrial but for an understanding, because the end user could once again reap the benefits as could the litigants.

Microsoft:

To say that Microsoft has brought desktop computing, PC style, into the mainstream would be an understatement. MS took the next software development step immediately after general PC hardware was made commercially possible. Had not MS done this, desktop computing could still be limited to offices. And most probably that would have been due to prohibitive costs. Microsoft has stated all along that its goal was to spread computing through society as a whole and link it via a network. To achieve this goal it supplied an operating system, graphic user interface and application software. It bundled software, made special offers, collected partners and bought companies.

If this is, in general, a fair assessment of Microsoft's intent, actions, and strategy, then an examination of how it achieved it's goals through what has been characterized as "questionable tactics", are in order. And this includes the resulting judgment by the DoJ.

* A previous analysis has been completed by "ACT Analysis of Microsoft/DOJ Proposed Settlement", 1413 K Street, NW, 12th Floor, Washington, DC 20005, www.ACTonline.org. I have used it's 6 headers to lend structure to my comments as I believe they tip the iceberg.

1. "For computer manufacturers (OEMs) who equip their products with any Microsoft operating system—Guaranteed flexibility."

Microsoft has been ordered to modularize it's OS, GUI and middleware to allow OEMs to remove "pieces and parts" at will and "mix and match" other OEM products and to have the freedom to control the boot sequence of the of the OS. Additionally, uniform-licensing terms, discounts, and marketing freedom are ordered. Microsoft could have modularized their product earlier and competed "piece at a time" but they chose to integrate so that the product could function easier and quicker. Remember hardware at the time of these alleged offences were slow and quirky. Sometimes Windows worked well only for a particular platform or hardware configuration. MS dealt with several clone producers to enable their product to operate on the hardware platform. It was a custom fit in many cases made by MS and the clone producer before it arrived at the client. While MS was fighting the OS/Hardware infrastructure problem, it appears likely that ease of inclusion and exclusion was not a feature high on their list. It seems that there were two problems that existed for MS, hardware and application fit. MS chose the easy route, which excluded competitors. MS was not obligated to assist its competitors in undermining itself.

The Department of Justice has ordered Microsoft to make it's OS a highly modularized piece of software.

This means that if a competitor, for example, wants a different browser to be integrated into lets say Windows XP and that the resulting product could be licensed as a VAP called "Windows XP Rouser Browser." The competitor will pay Microsoft a volume rate for their basic "Windows XP" modular without the Windows browser. If their resulting product" is a contender to Microsoft's, then as they say, "we've got a horse race." Finally, Microsoft will not create any damaging strategy and or tactic regarding this portion of the judgment that may be considered a conscience effort to harm or hinder their competitor. The competitor may integrate any middleware software of their choice that previously WAS an integral part of the Microsoft OS including controlling the boot up sequence.

A modular, accessible core is made available which allows anyone the ability to plug their component into the core or just eliminate that component functionality. Additionally, remember that MS piece of middleware that is not used? It may be integrated into their competitors OS. If MS is listening, their components may become more valuable separately. Who is the winner? Will the costs rise? If you recall, it was Netscape that took offence when MS bundled their own Internet explorer with Windows. Netscape said unfair competitive practices. Who lost? Netscape! Who won? The end user won and that reinforced MS and their bundling practice. Modularizing may be the smartest thing that the DoJ did for the public and Microsoft. Moreover, it will make MS and it's competitors very interested in turning out better products. The end result is that if all the competitors play by the rules, then all will win. If Microsoft was all that good at producing products before then they will prove it again by producing an even better product in the future. Additionally, the competition will be given the opportunity to do the same.

*2. "For all information technology (IT) providers, including Microsoft's competitors—Guaranteed access to technical specifications." MS must now give up what ever information it has that enables machines running the Windows OS to communicate with MS servers. This may not include MS's middleware code but How it interfaces with their servers. This means that another software producer now has all of the protocol specifics to create a specialized product for communications purposes or something to think about regarding a run around with their systems. In other words MS's competitors have some more advantage. It is the "modularization and cooking instruction" for networking within MS Client and server products that the DoJ has delivered. Of course MS must license ANY intellectual property rights to encourage middleware production by it's competitors. The final part of this part of the settlement is that MS may not penalize it's competitors.

Once again, this is a double-edged sword. Does any company really want to have a stand up fight with Microsoft? Most competitors will say yes, if it's a fair fight.

And now, there are certain areas that are very level and fair but even at this, MS has an advantage. MS is big and has learned to mobilize a development effort into a formidable force. It was seldom a deadline to compete with competitors but to keep public promises that motivated MS to excel. I believe that Microsoft's brand of internal talent motivation is "carrot and stick." When you give a gifted group a challenge in an arena of their own, they will work themselves beyond reason. In the new "competitive product" arena, the talent will need more than the "C and S" motivation. It is possible that the companies that precipitated the litigation wanted a fair fight. BUT, most probably, they wanted a breakup of Microsoft. That would have tied one hand behind MS and given the competition an advantage. This way once MS restructures and provides sensitivity training, they will continue. But it can never continue as usual, this will be an all out fight if anyone wants to gain a clear victory. I believe that Microsoft is in the lead as before. However, with the new rules, old incentives have been re-exposed to more players. How they will get there is fuzzy. Moreover, Microsoft is unclear how they will improve their modularized product to remain within the judgment and be superior. Products being self contained yet accessible to broad use is good for the competition and may be even better for Microsoft.

If MS must modularize then so must its competition. Modularization with flexible interfaces that are tight, compact, unbreakable, self-repairing, self-resetting modules. This has a lot of potential because individual mods may be very narrow task orientated or broad and intuitive in purpose. Put your system together and have it very focused and directed. This part of your system is manufactured by MS and that by AOL Time Warner, or Sun, etc. This year MS has the best browser, next year Sun. Plug it in or pull it out and put in another module by another manufacture.

The manufactures of the products you buy will strive to improve their products and it will make them stronger and smarter. Everybody wins.

3. "For end users—Guaranteed flexibility." It's simple, full capability for the end user to mix and match or change it's mind. If they want to reverse a decision to use this module, remove it and replace it with another, with on horrendous results. This makes evaluation of products that claim to be superior easier. Sales can persuade but performance will confirm.

Niche products may completely take over a middle ground for dedicated groups of users. A product may rise to the surface as the clear winner. Whichever the case, each module that has been defined as middleware or that has been declared as a self-contained product in it's own right will become a product in its own right. The end user can customize their desktop computer to their taste and purpose. And of course each individual product, module, will have its own price tag. Buying an operating system piecemeal could become difficult but I suspect that Microsoft will publish instructions. Its competitors will complain,

MS will explain and in most cases the chess game will continue. Remember, the end user reaps the result.

*4. "For those who doubt Microsoft would comply with the settlement agreement— An unprecedented enforcement mechanism."

The settlement has caused Microsoft to provide at their cost, a mechanism that allows resources, access, and authority to complain. If a competitor thinks that Microsoft is acting outside the agreement then it may file a fast acting complaint. This mechanism for complaint has been created in the form of an autonomous committee, technical committee, TC. It can get bigger or smaller as is needed, its own judgment, to provide for the examination due to complaints.

I am not sure if it allows for examination of releases or new products. The delaying tactics that will most likely be practiced by the competition will put the TC in constant conflict. However, this will not be forever. And, if MS keeps it's nose clean and learns to play the game, the TC will be a minor inconvenience. It is quite possible that a stamp of approval from the TC will bolster MS's public image. The TC had better know it's stuff, otherwise the jailor may be held it contention. Maybe the TC will be disputed by those it was formed to protect.

*5. "For AOL Time Warner, Oracle, and Sun— Opportunities to hinder Microsoft by abusing the settlement agreement."

AOL Time Warner(Netscape), Oracle and Sun has been given the opportunity to observe a hand slap instead of an execution. This has caused the three protagonists much worry because they thought a breakup would deliver them the market unfettered for a considerable length of time. Now they are forced to face a giant that has been caused to kneel in repentance. Not the executed they expected.

That giant will be rising soon to its considerable height and that is a formidable sight. You can forget about the states that sued, they were in it for the money not justice and MS fowled that by offering public education an arm's length gift. Yes, it will expose education to Microsoft's products but later a modularized product. There are many who would like cash offering by Microsoft but that was not decreed by the DoJ. It appears that Microsoft has exceeded the spirit and intent of the judgment in a positive way. Remember if Microsoft's products are inferior, it will be proven to a wider audience, and if Education chooses to supplant a module for another so be it that is fair. The politicians have enough of our money, which they deny education. This could be an immediate break for education. It would appear that for a giant Microsoft has a gentle side.

Some final words:

To the point, Was Microsoft seen to be so far in the distance that it was no longer a race for first place but a question of a race at all? If this was such a race, how did Microsoft get so far ahead? There has been much exposed over the years about Microsoft's phenomenal rise to the top of the heap. It's rise to power was not being hidden but it was revealed in detail during the trial. Moreover, that may be why Microsoft received something akin to a hand slap rather than a public beheading.

IBM helped. IBM allowed Microsoft to keep the rights to the original microcomputer operating system that it had developed. This was after Microsoft had developed an operating system for IBM's new desktop hardware platform in the very early eighties. Microsoft decided to improve their version and license it on mass-produced personal computers. If and when PCs took hold.

All it took was the non-biological cloning of the PC, "PC clone," and the rest is history. There was one fee charged for each Microsoft Operating System that each PC clone received. That event was the base of revenue that allowed Microsoft to improve their operating system and pass the competition. Later they decided to market applications. The applications were not the best in the beginning but they improved until they were the standard. The Internet was becoming a reality so they started to work with it.

However, that was just before they started bundling and bundling gave them an edge. While there were organizations vending a word processor or a spreadsheet or communications package (pre internet) as a separate product, Microsoft vended a suite of applications with some loose ties to each other. Later Microsoft developed an operating system with a graphic user interface towards the mid nineties. And just a little bit later in the mid nineties, the commercial internet became a reality and with it MS released an internet explorer, bundled with their new operation system. This takes us to 1995. It is this period, probably 1988 to 1998, that Microsoft's competitors lost ground, and intense fighting took place.

That was a short history lesson without the super specifics that are needed by a judicial system. Most probably, Microsoft developed certain technical internal quirks that leaned towards locking competition out of using their products. However, partnerships could be developed with the competition, with Microsoft in the drivers seat. Further, the Microsoft non-tech negotiators and executives probably started to take over the dealing 100% rather than allowing the techs to help. The non-tech Microsoft negotiators dealt for some greater advantages. This caused their competitors to finally decide that there was enough evidence to sue Microsoft for unfair competitive. You will note that I have not included details much less generalizations about any other company except Microsoft. Now may be the time to include my opinion. During the trial, charges were supported by specific details that were answered by Microsoft. The trouble is that the other companies were performing many of the practices in question as well. A wash. However, the charges that were difficult to defend was aggressive correspondence and proposed partner agreements that were clearly in favor of Microsoft. There is not one of us that hasn't attended a "Kick ass" meeting causing us to compete more aggressively but the meeting speakers didn't say "catch your opponent bent over and strike their posterior with your foot". To access the judgment, one would have to say that the DoJ did not find enough evidence to support all of the antagonist claims but found evidence that the computer industry may be too complicated to control with today's laws.

When peacetime competition is declared, those who choose to participate do so voluntarily. They do this in the belief that they know the game and that it will be conducted in a fair and bounded manor. As we have all seen, most games mature and change as the skill level and nature of the competitors change.

The change is a natural result of maturation, because we want and in fact need to improve. However, when competition is performed outside the bounds of the game, the violator of the rules, unless penalized, will win.

It is fairness that is at stake and the belief that it is the cornerstone of justice. The People, Department of Justice, and all the litigants want fairness. I believe that It is in this spirit that a judgment was delivered that is more a warning than a penalty to all who would participate in the game.

MTC-00033577

From: Dave Marker

Date: 1/28/02 8:26am

As a software engineer, I am most upset by article III. section J. In my professional opinion J-1(a) can be used by Microsoft to withhold any API they choose: who determines what will compromise security?

Withholding APIs is the unfair advantage an operating system vendor may abuse to stifle competition. In fact, this method is in part responsible for Microsoft's ability to crush competitors out of the market (two examples are WordPerfect and Netscape Navigator).

The provision is reasonable in the regard that everyone wants computer operating systems to be secure, and engineers in general want to prevent piracy of their work. This is the wrong way to provide it. There is a saying in the computer security industry: "there is no security through obscurity". Security is not guaranteed by hiding applicable APIs, security is achieved by solid design and implementation. Any security problem in any operating system is a result of poor design or implementation and does not deserve court protection, it deserves to be fixed! The code red and other high profile worms that attacked computers running Microsoft Windows did not do so by using published APIs any way. Hackers are willing to take time to discover and reverse engineer what they require to do damage, it is competition must get to the market timely and suffers if it can not.

Similarly, if anti-piracy APIs are done correctly, there is no need to fear publishing them. Good systems rely upon mathematics; not upon keeping the algorithm secret (A well known example is the RSA crypto system). Given that there is no technical reason for for article III. section J-1a, I can only assume this provision exists for Microsoft to arbitrarily decide which APIs it doesn't want other vendors to know about (and hence Microsoft won't have to compete with them). Or Microsoft wants to slow down (but not prevent hackers) and not alert consumers to flaws in their product. Microsoft, should not, nor any other software vendor, be given the right to make buggy software.

Since properly designed and written APIs do not need secrecy J-2, especially J-2(d) is

just providing Microsoft the means to track their competitors progress. Why should Microsoft get to license APIs (which it can arbitrarily choose as provided by J-1) and hence gain revenue and information about time to market from their competition?

With the exception of J-1(b), this is not an acceptable remedy, and will not prevent future abuse.

Thank you,
David Marker

MTC-00033578

From: Traci L. Slatton
To: Attorney General John Ashcroft
Date: 1/28/02 9:03am
Subject: Microsoft antitrust case
110 Riverside Drive Apt. 14E
New York, NY 10024-3734
January 24, 2002

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

I am pleased to know that after the government's long, three-year antitrust litigation against Microsoft, a settlement was reached in November of 2001. I support the settlement, which seems fair, reasonable, and responsible.

Allowing Microsoft to concentrate on its business now, while complying with the new restrictions of the settlement, gives them the opportunity to innovate more than ever. Innovation is certainly good for the economy, especially in the tech sector, which has been hit hard the last couple of years.

Starting with an upcoming version of Windows XP, users will be more easily able to delete portions or features of Windows (or at least access to them), and replace them with competing software. Computer makers no longer need fear higher prices for Windows licenses if they also ship other operating systems, or if they install Windows in ways to promote non-Microsoft applications.

That certainly sounds as if it should satisfy complaints from critics. I see this settlement as not only fair, but also a good thing for the economy, benefiting consumers and competitors with new options, and giving industry a chance to grow again. I urge you to support it.

Sincerely,
Traci Slatton
CC: Representative Jerrold Nadler

MTC-00033579

From: James Houston
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 9:59am
Subject: Fw: Microsoft Settlement
----- Original Message -----

From: James Houston
To: microsoft.atr@usdoj.gov
Cc: Diane Feinstein ; Barbara Boxer
Sent: Monday, January 28, 2002 9:57 AM
Subject: Microsoft Settlement

I hope you can settle this suit ASAP. It has gone on to long and continued litigation is harmful to our economy, due to the disruptions in the software industry.

Microsoft is guilty of only trying to put the best product on the market. I've been a

software user for over 20 years now and have never felt I was forced to use only a Microsoft version of a program. I have tried several others over the years and have always returned to Microsoft versions, because they are better. Would you want to be forced to buy a KIA vs: a Toyota?. Netscape was a big thing. I tried it for two years and the switched back to MSN. I use earthlink as my browser and not MSN's browser. This was a conscious decision and executed in a free market. I did not fell forced to use MSN's browser.

Did breaking up AT&T really help us? We don't know where we are getting our long distance service most of the time. And rates for LD phone service. You could write another book about that.

Why don't you devote your efforts to clarifying the up and down fluctuations of the oil and gas market?

That would be something the consumer would really be interested in.

These state attorney generals are just looking for political headlines so they can be considered for state governors jobs. What is the average consumer really going to get out of a settlement penalizing Microsoft? Look at the Ag's track records. How many governors were previously AG's?

Please give us a break and end this Microsoft "witch hunt" now.

James M. Houston
jmhouston@earthlink.net
CC:Microsoft ATR

MTC-00033580

From: CTCRC@aol.com@inetgw
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 10:02am
Subject: Microsoft Settlement

I am in agreement with the Microsoft Settlement. I think that the ettlement is fair and just and should be SETTLED AS IS!

Carolyn Cusick
17 Starr Drive Dr.
Enfield, NH 03748
CC:Microsoft ATR

MTC-00033581

From: Willis Langford
To: Ms. Renata Hesse
Date: 1/28/02 10:07am
Subject: Microsoft Settlement
Willis Langford
3579 Santa Maria Street
Oceanside, CA 92056-3903
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism,

including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Willis S. Langford

MTC-00033582

From: t—odwyer@yahoo.com@inetgw
To: Microsoft ATR
Date: 1/28/02 10:18am
Subject: Microsoft Settlement

It is time to end this law suit. The people did not suffer from Microsoft integrating the browser or in essence offering it free. In fact the only suffering on the part of the people was the amount of tax payer money spent by the government on the case. The settlement that is there now is in the best interest of the American people and the technology industry.

MTC-00033583

From: Chuck Hellar
 To: us dept of justice
 Date: 1/28/02 10:22am
 Subject: Microsoft Settlement

The settlement between Microsoft, the DOJ and the nine states is very fair. Microsoft pays a large price but the greater good is done by providing the "at risk" to have computers and have a chance to pull themselves up and be part of the mainstream.

The only complaints from consumers are from the Class Action attorneys that want a quick buck. The main complaints are from the competitors who are unable to compete in the marketplace. The courts should not be the place to rectify poor management, the marketplace should. So continue to fight strongly for this settlement.

Chuck Hellar

MTC-00033584

From: Richmond Perley
 To: Ms. Renata Hesse
 Date: 1/28/02 11:04am
 Subject: Microsoft Settlement
 Richmond Perley
 5262 Kensington High St
 Naples, FL 34105-5651
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot

retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Richmond Perley

MTC-00033585

From: Alexander Belyaev
 To: Department of Justice
 Date: 1/28/02 11:07am
 Subject: Microsoft Settlement

Dear Department of Justice:

We all know about recent dot com bubble. Whom to blame for it? My feelings are that if somebody decides to find whom to blame, they may say that it was Microsoft whom to blame for it and all consequent losses in many people's investments during these boom years.

U.S. Government should settle its case with Microsoft and stop blaming Microsoft for everything that this company was accused. Microsoft cannot be scapegoat for all other people's problems. Microsoft allows US people to enjoy the best IT innovations and standards in the world and leads true software technology development and initiatives.

US IT sector is a very competitive industry and already allows any company to succeed in providing best services and goods and making good money. The dot com bubble busted because people promised a lot and could not deliver. Please let Microsoft to continue delivering its products that consumers want and please settle your case with this company.

Sincerely,
 Alexander Belyaev
 3714 West Bertona Street
 Seattle, WA 98199-1914

MTC-00033586

From: John Roop
 To: john ascroft
 Date: 1/28/02 11:14am
 Subject: Microsoft Settlement
 January 28, 2002

Attorney General John Ashcroft
 US Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Mr. Ashcroft,

The Department of Justice was absolutely wrong in wanting to slice Microsoft into separate parts. Three years have produced public resentment and gravely hurt the computing industry, all for the benefit of those who won't ever be able to compete with Microsoft. The settlement Microsoft agreed to with the federal government must go forward. It is more than generous, and is obviously better than forcing Microsoft back into court, where the only winners are the attorneys representing both sides of this case.

Microsoft concedes to give up more than enough to promote far more competition among the computer makers and software developers who want a more level playing field. Agreeing to open Windows for further application development, Windows and non-Windows alike, will produce far more innovations than ever before, and will show the consumer that they are not at the whim of this industry giant, creating more individually-based options and configurations.

I urge the Department of Justice to see to it that Microsoft is given unprejudiced consideration by allowing them to return to business NOW. Do not continue to waste the incredible innovation and efforts of Microsoft, by choking them in more court proceedings. They have been the most industrious and prolific business since that of Ford Motors. The ramifications are far reaching, for the better good, by supporting the position of this settlement with Microsoft.

Sincerely,
 John

MTC-00033587

From: Jim Prendergast
 To: DOJ comments
 Date: 1/28/02 11:40am
 Subject: Microsoft settlement

Americans for Technology Leadership Tunney Act Submission On behalf of Americans for Technology Leadership (<<http://www.techleadership.org/>>), I am writing to express our support for the bipartisan settlement reached between your department, Microsoft and nine of the state attorneys. As an organization that represents thousands of consumers, as well as numerous technology companies and trade associations, we believe this settlement is a tremendous step forward. It accurately addresses the finding of the Court of Appeals and allows Microsoft and the rest of the industry to get back to developing new technologies.

This settlement is the result of extremely hard work on the part of many individuals from Microsoft, the Department of Justice and the state attorneys general, as well as the mediators. Everyone had to make concessions in order to bring this chapter to a close and let the technology industry get back to work.

I would also like to commend the Department of Justice for their efforts during the settlement process. ATL has always been concerned with the level of involvement in

the case by Microsoft's competitors. Assistant Attorney General Charles James echoed these concerns in November.

"Some of the loudest and most vocal criticism has come from some of Microsoft's competitors," said (Antitrust Chief Charles) James, without naming the corporate critics, which include AOL Time Warner Inc., Sun Microsystems Inc. and Real Networks Inc. "I don't think we have ever had competitors be quite so aggressive in asking that we serve their interests. Our job as antitrust enforcers is not to level the playing field mid-game." James distinguished between the "real Microsoft case" and "Microsoft, the public spectacle." He said the appeals court's ruling that Microsoft illegally protected the monopoly its Windows operating system enjoys doesn't support the "broad-scale emasculation of the company" that rivals sought.

November 17, 2001

Bloomberg News,

Resisting the fierce lobbying attempts by these companies could not have been easy, but your perseverance paid off as evidenced by a reasonable settlement that addresses the concerns found by the Court of Appeals. I'm sure you will receive several comments from well-known commentators such as Judges Kenneth Starr and Robert Bork. Their work on behalf of Microsoft's competitors is impressive, but it differs from the feelings of the millions of consumers and the thousands of small technology companies who have been hurt by this case.

The American public has always believed that this case should have been settled or brought to a close and that they have overwhelmingly supported the settlement that was reached. Polling commissioned by our organization has found that in July over 70% of the American believed that it was time for this case to come to an end. Since the settlement was reached similar numbers have supported the agreement and found it to be "fair and reasonable." These views have been found by a number of other polls conducted by Gallup, Ipsos-Reid, and other organizations.

Countless members of Congress from both parties, who came out in support of the agreement as well as many newspaper editorial pages from across the ideological and geographic spectrum, have echoed these sentiments. A fair and reasonable settlement is clearly preferable to continued litigation. The case against Microsoft has already gone on for nearly four years and has cost both Microsoft and the government millions of dollars. The litigation has caused Microsoft and the entire technology industry to focus on litigation, instead of creating better products and serving the needs of consumers. Given the state of the economy, the last thing we need is continued litigation.

The settlement reached in this case is a responsible agreement, which puts this entire case behind us. It addresses specific findings of the Court of Appeals and in some cases imposes restrictions even beyond those findings. In fact, Attorney General Ashcroft pointed out that this settlement "exceeds the kind of relief that was signaled in the Court of Appeals opinion of earlier this year."

Many corporate rivals of Microsoft had hoped that remedies imposed on the

company would be much more far-reaching and extreme for their own interests, they are simply not called for given the ruling by the Court of Appeals and by the standards of antitrust law. Our antitrust laws and our courts are not supposed to be used by a few powerful companies to harm their rivals and do to them in the courts what they cannot do in the marketplace. By attempting to scuttle settlement, these companies choose litigation over innovation.

While the parties have agreed to this settlement in full, I would be remiss if I did not point out that there are elements of this settlement that do cause concern. The establishment of the 3-person technical review committee is the closest we have come to regulation of innovation in this industry.

It's unprecedented that this panel will be housed at Microsoft's headquarter. It may also investigate any complaint received by interviewing any Microsoft employee it deems relevant. This kind of power will impact the way Microsoft does business.

We hope that with this panel in place, Microsoft will be able to develop products and move them to the market in a timely manner. As this case has shown, technology moves at the speed of light. This country has benefited from the pace of technological development. Whether a rapid series of upgrades available for operating systems, or the increase in usefulness coupled with a significant decline in price that allowed millions of people the ability to take advantage of the digital revolution, the entire country has benefited from the speed at which this industry produces products. The role this review committee plays will be key to this settlement working in a positive manner and not a negative one.

It should not be open to abuse by competitors in an effort to stymie Microsoft's ability to develop new products nor should it move beyond its scope of review called for in the settlement. Any delay in the development process at Microsoft will hurt consumers. Denial of technological innovation will increase the cost for consumers. These costs will be out of pocket as Microsoft will be forced to pass the cost of compliance on to consumers in the form of price hikes. And there will be costs associated with a loss of productivity. One of the reasons we witnessed a "boom" in our economy is the last 10 years was because of the tremendous productivity gains our economy realized as the result of technology. We must ensure that these gains are still possible by allowing technology to reach market in a short period of time.

Another area of concern is the wide latitude that OEM's will be given when it comes to the design of the desktop. This stipulation can result in more competitors' products available on the desktop as consumer work more closely with OEM to customize their operating systems. While allowing for more choices in software during the out of box experience can be beneficial for consumers, there is concern that the desktop will become nothing but a source of revenue for computer manufacturers. Cluttering the desktop with icons of the highest bidders, while good for some OEM's

bottom line, could have a negative impact on the computing experience for consumers. One of the key developments in computing that led to widespread use was the transition from DOS to a graphical user interface (GUI). With an operating system that made the interaction simpler for the user, more computers were sold.

Increases in the usability of computers and decreases in price are just two factors that caused millions of consumers to have access to one or more computers. We need to be sure that computers remain easy to use so that we can continue the wide adoption rate we have seen in the last ten years. Littering the desktop may cause confusion and lead to a negative experience.

Noting these concerns we still believe that, on balance, this is a good settlement. This case has consumed millions of taxpayer dollars while having a direct negative effect on consumers. Investors have lost billions as pension funds and investment accounts have been devastated by the decline in the tech sector. The uncertainty surrounding this case is evident in the chart detailing the stock performance of some major technology companies involved in the case. Everyone has suffered to some extent. While this case is not the only factor in the tech sector's decline, it has played a role.

Much has been written about the tremendous impact the collapse of Enron has had on the markets and investors. The chart just shows you that Enron is a drop in the bucket compared to what has happened to technology investors. On behalf of our members and our coalition partners, we encourage the Department of Justice to continue its tremendous efforts on behalf of settlement and hope you urge the District Court to approve this settlement in the public interest.

Jim Prendergast
Executive Director
Americans for Technology Leadership
1413 K Street NW 12th Floor
Washington, DC 20005
202-835-2030
202-318-7803, fax

MTC-00033588

From: David Burgess
To: Renata Hesse
Date: 1/28/02 11:40am
Subject: Microsoft Settlement
Ms. Renata B. Hesse, Esq.
Antitrust Division U.S. Department of Justice
601 D Street, NW
Washington, DC 20530-0001
January 27, 2002

Dear Ms. Hesse:

Re: Proposed Final Judgment (Microsoft Antitrust Case)

I am writing to submit my comments on the Revised Proposed Final Judgment in the civil antitrust case, United States of America vs. Microsoft Corp. I have read the Revised Proposed Final Judgment, the Complaint and Stipulation in the case, as well as the Competitive Impact Statement, and other documents and decisions related to this case. I urge the Department of Justice to settle this case on the proposed terms of settlement, and urge the Court to accept this settlement as being fair, reasonable, enforceable, and in the public interest.

Public Interest Is Served

I am one of those consumers whose interests are so frequently cited when antitrust and other laws are invoked, but whose actual opinions are so seldom sought or considered by litigants and commercial interests. I am not affiliated with Microsoft or any of its lines of business. Nor am I affiliated with any of Microsoft's competitors, although I have been solicited by some of them to oppose this proposed settlement. I write on my own behalf, and not as part of any organized so-called "grass-roots" lobbying campaign. Having followed this case in the media for several years, and having reviewed the voluminous documents on this case available on the DOJ website, I suspect that I will be among a very few individual consumers who are submitting their own comments on this proposed settlement, rather than repeating the conflicting claims, or advocating the commercial interests, of clients, competitors, employers, etc.

Public Interest In Ending Costly Litigation

The proposed final judgment and settlement is fair and reasonable because it brings an end to a lengthy and costly antitrust action (perhaps the longest and costliest ever), and does so in a way that is enforceable. I urge the court to consider that the public's (and the taxpayers') interests can be served quite effectively when the DOJ and private concerns agree to settle expensive litigation in a reasonable manner.

Fortunately, we do not allow only commercial interests to balance the costs of proceeding against the risks of an uncertain case. The concept behind settling uncertain—but certainly costly—litigation is just as valid when the government is a party, as when the dispute is between two businesses. (And public interests can additionally be served later by alternative use of taxpayers, funds that otherwise would disappear in continuing costly litigation.)

Settlement Recognizes Technology and Velocity of Change

The proposed settlement is also reasonable because it takes into account the velocity of change and innovation in the relevant technology markets. In fact, from the consumer's perspective, the relevant markets change literally every day, with each new innovation and technical improvement. This volume and velocity of change affects OEMs, computer operating and communications systems, routing and networking approaches, and internet applications, portal, service and content providers (ISPs, ICPs, OLSPs, etc.), as well as their ancillary software, middleware, related hardware, and integrated (or isolated) features. Despite the claims of some manufacturers and service providers, there is enormous intellectual competition in these markets and those making claims that innovation has been stifled know that is false: they know that this competition exists, and they themselves benefit from it every day.

Opposition to this proposed settlement seems to be as much an effort to punish Microsoft for the fact that the marketplace has changed, as it is an effort to seek redress for Microsoft's wrongdoing. Personally, like

millions of others, I use a broad variety of products and services that would be covered by the proposed settlement. I regularly use internet browsers manufactured by Netscape and by Microsoft; I have used e-mail accounts through both AOL and MSN; everyday I consult a wide variety of ICPs, use the MS operating systems, and also use Sun's products and services. My middleware and invisible software applications are equally intermixed. Through mutual funds I am probably invested in Microsoft, Netscape, Sun, AOL, and countless other corporations whose commercial prospects will be affected by this settlement, and by the changes in the market. This constant and extensive intermingling of technology and economic interest represents the power and reason of the marketplace, and of the millions of consumers who demonstrate daily that competition still remains vibrant amidst rapidly changing technologies.

Settlement Imposes Reasonable Penalties

As to alleged injuries from Microsoft's marketing and manufacturing conduct, I have not noticed or suffered from the alleged predations of Microsoft, but don't doubt that some have. At the same time, it is evident that the primary interests opposing this proposed settlement today are those who seek to hold back the oceans and thus to stop the tides.

No amount of litigation or monetary damages can make a non-competitive product innovative. That product might still be worthwhile to someone if it is cheap enough; but it will ultimately be left behind by every fast-changing market. Even cheap buggy whips have no meaningful market, not matter how well-made they are, nor how committed or celebrated their designers and manufacturers may be.

On the other hand, excessive litigation costs can easily make an innovative product too costly for consumers to use. Increasing the cost of a Ford's Model A by layering on litigation and legal expenses could have delayed the day when the automobile would replace the horse and buggy, but it would have done little to advance the public's ultimate interests. No amount of subsidy or economic penalty can prevent the marketplace from adopting or rejecting technological changes on their own merits. Moreover, I don't believe that the purposes of the Clayton and Sherman Acts would be served at all by creating expensive impediments to systems integration and innovation, merely to preserve a market share for alternative systems that marketplace forces (i.e., we consumers) have already rejected as lesser products or services.

Settlement Proposes Enforceable Remedies

Finally, the proposed settlement and judgment are appropriate because they are enforceable. They are forward looking remedies, which do take account of the nature of the relevant technology markets. The settlement does recognize that unlawful behavior should be stopped, and that recompense should be demanded and paid in a way that advances the public's interests.

But it does not confuse those worthy objectives with the cries of other OEMs, ISPs, ICP, etc. for commercial subsidies, dressed

UP as their claims of unremitting anti-competitive behavior. The proposed remedies do impose a new cost on Microsoft, and therefore will plainly benefit Netscape, AOL, CompuServe, Sun, etc. But the costs will benefit consumers and the public more directly. The business limitations and restraints that the settlement imposes on Microsoft will similarly benefit the public "in an enforceable way" by assuring continued competition AND allowing continued innovation and integration.

Limitations on Microsoft's business practices will also benefit Microsoft's competition but only to the extent that that they themselves are competitive. The proposed settlement does not attempt to create a new competitor where it does not exist, nor does it attempt to prop up a non-competitive business that wishes to, but finds it cannot, actually compete with Microsoft or any other firm.

All in all, I believe that the Court should accept the Revised, Judgment and Settlement of this unique anti-trust case as being in the public interest.

Proposed Final
Sincerely yours,

David Burgess
Arlington, VA 22201-1037

Note: I have also enclosed these comments as TEXT and WORD attachments for your convenience.

David Burgess
Director
Democracy Fellows Program
World Learning, Inc.
1015 15th Street, NW
Suite 750 Washington, DC
tel. (202) 408-5420
fax (202) 408-5397
e-mail:
20005
david.burgess@worldlearning.org

MTC-00033589

From: Henry Thode
To: Ms. Renata Hesse
Date: 1/28/02 11:48am
Subject: Microsoft Settlement
Henry Thode
1660 Gulf Blvd.
Englewood, FL 34223
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to

move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Henry F. Thode, Jr..

MTC-00033590

From: Ben Roth
 To: Ms. Renata Hesse
 Date: 1/28/02 11:48am
 Subject: Microsoft Settlement
 Ben Roth
 1311 Stonington Dr
 Youngstown, OH 44505-1657
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530
 Ms. Hesse:

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\$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Ben J Roth

MTC-00033591

From: David Ceton
 To: Ms. Renata Hesse
 Date: 1/28/02 11:50am
 Subject: Microsoft Settlement

David Ceton
 3310 Saw Mill Rd.
 Newtown Square, PA 19073-1902
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
David E. Ceton

MTC-00033592

From: David Mandel
To: Judge Colleen Kollar-Kotelly
Date: 1/28/02 11:50am
Subject: Comments regarding Microsoft Antitrust/Settlement and Resolution
28 January 2002

Your Honor, Judge Colleen Kollar-Kotelly:
I've been involved in computing for most of my professional career.

—As a university faculty member specializing in mathematical data analysis and mathematical modeling in the 1970s and 1980s.

—As a government contractor specializing in Geographic Information Systems in the 1980s and 1990s.

—And currently as a project leader developing developing internet servers which are more secure and easier to use.

—I have also been active in the Open Source / Open Data movement starting in the 1970s. —I'm currently Technical Director of LinuxFund.org

—and President of the Portland (Oregon) Linux/Unix Group

I use and love a number of Micro Soft products, and I often recommend Micro Soft products because I think some of their products are very good.

On the other hand, I am very concerned about monopolies in the computer industry; and I do think Micro Soft is a monopoly as the courts have already ruled. Moreover, I do not believe any of the proposed settlements are sufficient to keep Micro Soft from continuing its unfair business practices. Indeed, now that things have pretty much been settled, Micro Soft seems to feel free to once again threaten companies and users who don't use Micro Soft products exclusively. At least, these are the rumors I hear.

For example, Micro Soft has been telling resellers to drop their Linux products or else they will only be allowed to handle certain Micro Soft products. As I understand, resellers selling Linux products will not be allowed to sell MS Office 2000 or the any of the Windows operating systems above Windows-XP. If this is true, this will hurt me and my employees very much as we build Linux server products.

As another example, Micro Soft now provides ISP services for Qwest DSL customers. Since Qwest changed to Micro Soft a number of things have changed. People keep coming to me saying that they have been told that only MS Windows based computers will be supported on Qwest DSL. I have heard this from both Linux users and Apple users. Of course, this is non-sense. I assume that non-Windows computers will work just fine with Qwest DSL. They just won't be supported. However, Qwest (who is simply Micro Soft's proxy in this matter) is giving people the impression that they will have to change to MS Windows if they want

to continue using Qwest; and of course they have little choice if they are in the middle of something like a one year contract for their DSL service.

Thank you for reading my comments. I hope you are able to recommend a settlement which will end Micro Soft's monopolistic practices, and allow everyone including Micro Soft to compete on a fair and equal basis.

Sincerely,
David Mandel
President
Portland Linux/Unix Group
1440 NE 59th
Portland, Oregon 97213
(360) 260-2066 at work
(541) 730-5285 cell

Also, Technical Director of LinuxFund.org which is an international group whose purpose is the raise funds to support innovative Open Source projects.

MTC-00033593

From: Clarence George
To: Ms. Renata Hesse
Date: 1/28/02 12:16pm
Subject: Microsoft Settlement
Clarence George
2922 S Skyline Dr
Inverness, FL 34450-7422
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Clarence M. George

MTC-00033594

From: Mary N Morris
To: tunney@computingchoice.org@inetgw
Date: 1/28/02 12:22pm
Subject: MICROSOFT

Sirs:

It is high time for us to haul up our britches and prune constrictive capitalism at the root.

Please give America access to Microsoft. Let's make America sustainable!

Sincerely
Mary M. Morris
501
909 West Central
Missoula, MT 59801
CC:Microsoft ATR

MTC-00033595

From: Telly Lovelace
To: Ms. Renata Hesse
Date: 1/28/02 12:41pm
Subject: Microsoft Settlement
Telly Lovelace
126 C Street, NW
Washington, DC 20001-2118
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of

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Sincerely,
Telly Lovelace

MTC-00033596

From: Owen Mattingly
To: Ms. Renata Hesse
Date: 1/28/02 12:55pm
Subject: Microsoft Settlement
Owen Mattingly
2241 Monocacy Rd
Baltimore, MD 21221-1529
January 28, 2002
Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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can also understand keeping a company from gouging the public, but if they want to give away or make their product better by adding something to it for free, I find that to the consumers benefit. Furthermore, to this point most of the high tech industry has only gotten better and cheaper. Oh yes, it has been through innovation and productivity that made it possible.

Sincerely,
Owen Mattingly

MTC-00033597

From: Barb Koch
To: Ms. Renata B. Heese
Date: 1/28/02 1:06pm
Subject: Microsoft Settlement (Support)
Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case. The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet.

Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Barb Koch
300 Bucklin St.
LaSalle, IL 61301-2065
CC: Citizens for a Sound Economy

MTC-00033598

From: Nicholas Yankanich
To: Ms. Renata Hesse
Date: 1/28/02 1:10pm
Subject: Microsoft Settlement
Nicholas Yankanich
126 Chestnut Street
Aliquippa, PA 15001-2315
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
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Sincerely,
Nicholas A Yankanich

MTC-00033599

From: Melvin R. Blann III
To: Ms. Renata Hesse
Date: 1/28/02 1:13pm

Subject: Microsoft Settlement
Melvin R. Blann III
17379 Chase Road
Fulton, IL 61252
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Melvin R. Blann III

MTC-00033600

From: Diane Whitlock
To: Ms. Renata Hesse
Date: 1/28/02 1:15pm
Subject: Microsoft Settlement
Diane Whitlock
PO Box 44
Martinsville, VA 24114-0044
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost taxpayers more than \$35 million, and final approval is clearly in the public interest.

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The country needs the economic stability this settlement can provide. I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Diane C Whitlock

MTC-00033601

From: Eugene Marin
To: Ms. Renata Hesse
Date: 1/28/02 1:16pm
Subject: Microsoft Settlement
Eugene Marin
99 Bog Rd
Hillsboro, NH 03244
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Eugene P. Marin

MTC-00033602

From: Richard Keene
To: Ms. Renata Hesse
Date: 1/28/02 1:23pm
Subject: Microsoft Settlement
Richard Keene
328 Schooner Ave.
Edgewater, Fl 32141
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Richard N. Keene

MTC-00033603

From: Steve Wagner
To: Ms. Renata Hesse
Date: 1/28/02 1:24pm
Subject: Microsoft Settlement
Steve Wagner
7930 So. Monaco Court
Englewood, CO 80112

January 28, 2002

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

Ms. Hesse:

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Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to

submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Steve Wagner

MTC-00033604

From: Richard Hathaway
To: Ms. Renata Hesse
Date: 1/28/02 1:27pm
Subject: Microsoft Settlement
Richard Hathaway
2040 Duck Lake Rd.
Whitehall, MI 49461-9691
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Richard G. Hathaway

MTC-00033605

From: Greg Wolfram
To: Ms. Renata Hesse
Date: 1/28/02 1:34pm
Subject: Microsoft Settlement
Greg Wolfram
8131 Mulberry Place
Dublin, CA 94568
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Greg Wolfram

MTC-00033606

From: Betty Pawlak
To: Blind.Copy.Receiver@compuserve.com@inetgw
Date: 1/28/02 8:26pm
Subject: Microsoft Issue
January 28, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Dear Mr. Ashcroft:

The settlement that was reached between Microsoft and the Department of Justice is fair and reasonable, and I am in full support of it. The American economy is in need of all the help it can get, and allowing Microsoft to get out of court and turn all of their attention to business is a great way to help.

The recession that we are currently in actually can be traced to the suit against Microsoft. The market started to slip three years ago when the suit was announced, and kept going down. In order to get out of the hole that we are in, Microsoft and the rest of the IT industry must perform at peak levels. The settlement encourages such performance by restricting retaliation from Microsoft against competitors who produce and promote software that competes with Microsoft's. The settlement also mandates that Microsoft document to their competitors, interface data internal to Windows. This assists in the compatibility between competing software firms.

All in all, the settlement will encourage competition and be beneficial to the economy. I fully support the settlement.

Sincerely,
Balvina Pawlak
10 Molasses Hill Road
Lebanon, New Jersey 08833

MTC-00033607

From: Loretta Frey

To: Ms. Renata Hesse
 Date: 1/28/02 8:27pm
 Subject: Microsoft Settlement
 Loretta Frey
 2506 N Hogan
 Spokane, WA 99207
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Loretta Frey

MTC-00033610

From: AL BORTLES
 To: Ms. Renata Hesse
 Date: 1/28/02 10:11pm
 Subject: Microsoft Settlement
 AL BORTLES
 2166 E. MEADOW WOOD DR.
 MERIDIAN, ID 83642
 January 29, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
 AL BORTLES

MTC-00033611

From: Robert E Lehnher
 To: Microsoft Settlement
 Date: 1/28/02 10:17pm
 Subject: Microsoft Settlement
 Robert E Lehnher
 3631 South 257th Street
 Kent, WA 98032-5669
 January 29, 2002
 Microsoft Settlement
 U.S. Department of Justice-Antitrust Division
 950 Pennsylvania Avenue, NW
 Washington, DC 20530
 Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
 Robert E Lehnher

MTC-00033612

From: eugene shafer
 To: Ms. Renata Hesse
 Date: 1/28/02 11:26pm
 Subject: Microsoft Settlement
 eugene shafer
 78237 willowrich dr

palm desert, , ca 92211

January 29, 2002

Ms. Renata Hesse

U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Eugene Shafer

MTC-00033613

From: Consumers for Computing Choice

To: Microsoft ATR

Date: 1/29/02 12:01am

Subject: Microsoft Settlement

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
UNITED STATES OF AMERICA,

Plaintiff,

Plaintiff, v.Civil Action No. 98-1232 (CKK)

MICROSOFT CORPORATION,

Defendant. STATE OF NEW YORK ex rel.

Attorney General ELIOT SPITZER, et al.,

Plaintiffs, v.Civil Action No. 98-1233 (CKK)

MICROSOFT CORPORATION, Defendant.

COMMENTS ON THE DEPARTMENT OF

JUSTICE PROPOSED SETTLEMENT

AND FINAL JUDGEMENT SUBMITTED

BY CONSUMERS FOR COMPUTING

CHOICE AND OPEN PLATFORM

WORKING GROUP

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APPENDIXES

A. Motion for Hearing on The Issues

Presented

B. Offer of Proof

I. Introduction

As Consumers for Computing Choice stressed in the brief it filed with the District Court, consumers will need advanced computing applications to enjoy the benefits of the coming digital age. These applications rely on a new generation of state-of-the-art operating systems and microprocessors. A number of more advanced operating systems and related microprocessor technologies are endangered because of a Windows standard arising from Microsoft's misuse of its monopoly power.

The Microsoft case will determine whether competition in information technology occurs among a diversity of innovative software producers or is limited to a few monolithic companies. In order to ensure robust competition, we propose that the Court include in any Final Judgment remedies that will rapidly and reliably erode the applications barrier to entry by enabling state of the art operating systems to compete on a level playing field. The most important of these remedies is to provide a way to enable the 70,000 applications supported by Windows to run on any modern operating system.

Now that the Appeals Court has rejected Plaintiffs structural remedies, the District Court must seriously review the currently proposed Final Judgment to determine whether it will enable Windows applications to run on other operating systems. Consumers for Computing Choice believe it will not. The applications barrier is here now, it is limiting consumer choice and innovation now, and it can be addressed now. We urge the court to reject the proposed settlement and Final Judgment and replace them with a Final Judgment that includes remedies that provide for interoperability of Windows applications with any other modern operating system and other related interoperability.

Our recommended remedies are directly focused on the applications barrier to entry, providing an essential addition to their proposed remedies. Microsoft's compliance with these remedies will create an immediate change in market incentives, opening a path to adoption of a number of advanced operating systems and creating attractive competitive opportunities for ISVs to write applications for these systems. In the interest

of robust competition, innovation, and consumer choice, the Court should reject the settlement and Proposed Final Judgement and replace it with a Final Judgment that includes these remedies.

II. Hold Thorough Public Proceedings With Consumer Participation

The Court should hold thorough public proceedings on remedies and provide opportunities for full participation by citizens and organizations that represent the consumer interest. Robust competition and innovation in software are crucial to our short- and long-term economic recovery. No industry was more crucial to the economic prosperity in the 1990s. Yet the incentives for innovation have been destroyed by Microsoft's increasing monopolization of the most common categories of software. There is no incentive for any company to create a new operating system, productivity suite, or Internet browser. Computer hardware manufacturers cannot profitably innovate as long as Microsoft has the power to control the specification for microprocessor architecture and other hardware components. OEMs have become little more than value added resellers with minimal influence over design decisions. If present trends continue, the only incentives for innovation will be in the most obscure niches.

Moreover, American prosperity in the coming century will depend on our ability to increase our quality of life while reducing resource consumption and environmental pollution. Just as machines supplanted physical labor in the past, software will supplant much of the work done by industrial-era machines in the future. During the last century, machines improved labor productivity by a factor of 40. Software has the potential to provide similarly dramatic improvements.

Consumers are the major player in the computer market without a seat at the Microsoft and Justice Department negotiating table. In 1974 Congress passed the Antitrust Procedures and Penalties Act (15 U.S.C. sec 16), designed to provide the public with the opportunity to comment on a proposed Final Judgment. This act also required the benefiting party, in this case Microsoft, to file a Competitive Impact statement (CIS) to provide essential information for the public. Microsoft has failed to do so.

Former California Senator John Tunney, the author the legislation, filed an affidavit in this proceeding that says Microsoft's filing is inadequate to satisfy the clear language and intent of the Tunney Act. Microsoft does not reveal what its President Steve Balmer spoke about with Vice President Dick Chaney when they met. News sources report that Attorney General Ashcroft received campaign contributions from sources politically connected with Microsoft. In a similar situation with Enron, Ashcroft recused himself. He should do the same in this case.

It is not possible to have the most robust and accessible information system without the full participation of capable consumers. By withholding information, Microsoft is denying consumers information they need. Without the information, consumers are handicapped in effectively pointing out Microsoft's limitations and failures.

Consumers must be informed, and they have the right to be heard. These are essential developments if the desktop and Internet are to grow into their potential as an integrated sphere of rapid, accurate, and dependable communication. If Microsoft has its way the potential computing revolution on our doorstep will remain a potential. Consumers need "Four Freedoms" to benefit from a competitive market in computing platforms. The first is the freedom to switch to any new operating system without abandoning their investment in applications. The second is the freedom to switch to any new application without abandoning the documents and data they have created. The third is the freedom to replace any component or feature in an operating system or application with superior or special purpose components. The fourth is the freedom to switch to any new microprocessor architecture without abandoning their investment in an operating system.

Microsoft denies the Four Freedoms. Its comprehensive strategy locks products together, excludes superior competitors, and raise switching costs for consumers. The Court should insist that any settlement or Final Judgment enables the Four Freedoms.

III. Address the Essential Elements of a Competitive Market in Computing Platforms

In the early 1990s, experts recognized that the basic architecture of existing platforms was inadequate to meet the needs of the emerging digital age. This realization led to a wave of extraordinary innovation in computing. Visionary business leaders, engineers, marketers, and investors brought together their resources to create a wave of new products and possibilities. New operating systems from IBM, NeXT, and Be offered improved stability, speed, and application development. The PowerPC microprocessor and its Common Hardware Reference Platform came into service. Internet software like Netscape Navigator changed how people use the Internet. The OpenStep and Java cross-platform application environments enabled developers to write an application once and run it on multiple platforms.

With these innovations came the promise of a new generation of digital media applications. Unfortunately, most of these products are now road kill in Microsoft's quest to seize control of the information superhighway. IBM's OS/2 is now a niche product (Findings of Fact, 46). NeXT was acquired by Apple and used to extend the life of the aging Macintosh platform. OpenStep for Intel and Open Step for Windows were removed from Apple's price list shortly after the so-called normalization of relations between Microsoft and Apple in 1997. Java's potential has been diminished by Microsoft's efforts to introduce an incompatible version. Netscape's market share has continued to decline since it was acquired by America Online.

More recently, while the current case was underway, Microsoft drove Be from the operating system market by threatening computer makers who had agreed to bundle Be as a second operating system. Microsoft threatened prohibitive increases in Windows licensing fees and refused to allow

installation of a boot loader that would allow consumers running Windows to reboot their computers into the Be operating system. The state-of-the-art Be technology was sold to Palm for the fire sale price of \$11 million, approximately one day of Microsoft profits.

The market conditions needed to protect competition, innovation, and consumer choice are straightforward. Competition must be a la carte, no less fine-grained than the process of innovation. Everything must be able to run on everything. Developers must be free to remove, replace and combine components, and compete on the merits of each component. This will ensure robust competition, with innovators vying to improve components and vendors competing to assemble them in different combinations. There will be little competition or dynamism in the market for platform software if neither innovators nor users can replace anything without having to replace everything. No company or alliance can replace Wintel and its all its third party products at the drop of a hat.

Because Netscape had no applications barrier to entry to protect it, it was ported to more than fifteen different operating systems (Findings of Fact, 69). Operating system vendors differentiated the graphical user interface into a separate layer, allowing the application environment to use the graphical interface of the host operating system on which it was running and to permit special interfaces. This occurs naturally in a competitive market. Everyone wants his software to run on every other platform, and everyone wants software from others to run on his platform. Competitors have incentives to cooperate, establish standards, and publish interfaces to ensure interoperability. In a truly competitive market, there would be a wide variety of component combinations. Operating systems with multiple application environments would be common. Developers would be able to write for the application environments with the best capabilities for their specific application. Consumers would be able to choose operating systems and application environments with the best capabilities for their most demanding applications.

A competitive market would provide companies real incentives to pursue breakthrough innovations. Small producers with an idea for one great application or one great component would have a chance to bring it to market. Network effects would be counterbalanced by the benefits of cross-platform application environments. A number of operating systems would have substantial market share. Absent an applications barrier to entry, developers would promote these benefits. Consumers would readily recognize these benefits and demand them.

This is not speculative. Automobile manufacturing and customer service have substantial network effects, yet Chevrolet, Ford, Toyota and Honda, Porsche, and Ferrari still have dealer and service networks. They allow third-party products to enhance performance.

Among the most important breakthroughs in computing is the fact that operating systems now rely on modular design. A

modern operating system includes a core operating system that schedules tasks for processing. Three basic layers correspond to the basic functions of an operating system recognized by the Court (Findings of Fact, 2 and 7). In a modular operating system each of these major layers includes a number of distinct modules. Software developers can easily add or replace modules with superior or special purpose components without hidden code dependencies interfering with the rest of the system.

Another important benefit of modern operating system architecture is that it permits multiple application environments to run well on the same core operating system. This will allow consumers have an older application environment to run legacy applications and a modern application environment to perform demanding tasks, without maintaining two large, complex operating systems on one computer (Findings of Fact, 49).

In an important sense this case is about the important contributions multiple application environments on a single core operating system can make to competition, innovation, and consumer choice. Netscape Navigator and Sun's Java both provided cross-platform application environments that could run along with the standard application environment on different operating systems. If similarly adaptable applications are allowed to thrive in a truly free market, consumers will enjoy smooth migration of older technology and early adoption of the new technology crucial to full participation in the digital age.

IV. Provide a Way to Run Windows Applications on Any Other Operating System

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run Windows applications on any other operating system. The applications barrier to entry is the central issue of this case. The installed base of 70,000 Windows applications is by far the most formidable element of this barrier. A competing operating system must have a large and varied base of compatible applications to reassure consumers that it will meet their computing needs (Findings of Fact, 40). The massive installed base of Windows applications makes this prohibitively difficult and expensive (Findings of Fact, 46). As the Court recognized, the developer of a rival operating system could in theory circumvent this barrier by cloning the Windows APIs so that the applications written for Windows would then also run on that system (Findings of Fact, 52). The new competitor would not be able to translate this into practice, however, because it would never have all the current Windows APIs.

Widespread availability of a Windows Application Environment on all other operating systems would reduce this barrier to entry. A Windows Application Environment would be similar in structure and function to a Java Runtime Environment (Findings of Fact, 73). It would break the dependent relationship between Windows and the 70,000 applications written for the Windows APIs and allow those applications to work with other operating systems. This

reduced barrier to entry would immediately encourage investment in the development and marketing of operating systems. Consumers could choose a superior core operating system with a modern application environment based on its features, without worrying about legacy Windows applications. This would substantially reduce the costs of migrating to other operating systems. No other remedy would do so much to restore competition, innovation, and consumer choice. IBM recognized the important benefits of a Windows Application Environment when it invested tens of millions of dollars to clone the Windows APIs and enable Windows applications to run on its OS/2 operating system (Findings of Fact, 46). Sun Microsystems made a similar investment to develop a Windows Application Environment for its Solaris operating system.

A number of third party software developers have made serious efforts to implement the Windows APIs on other operating systems. The open source WINE (Wine Is Not an Emulator) project has implemented a sufficient percentage of the Windows APIs on the Linux operating system to run selected Windows applications. A WINE project for Apple's OS X operating system is also in progress. The BeWine project, organized by a small group of software developers who needed access to the installed base of Windows applications, made substantial progress implementing Windows APIs on the state-of-the-art Be operating system. This project has been shelved since 1999 when Microsoft drove Be from the operating system market. A network of Be developers around the world is now working to resurrect the Be operating system, and BeWine will be one of its highest priorities. The new Lindows operating system is implementing Windows APIs as a way for consumers to run some of the major Windows applications on Linux. A preliminary version of Lindows will soon be released to the public.

In all of these projects, the major obstacle is the lack of complete and accurate disclosure of the Windows APIs and related technical specifications. Moreover, Microsoft frequently changes APIs. Often these are gratuitous changes intended only to frustrate interoperability. Yet Microsoft allows implementation of Windows APIs when it serves the company's interests. At least two ISVs, Mainsoft and Bristol, offer tools that implement the Windows APIs on Unix operating systems. They do it in markets where Microsoft is not the dominant vendor; i.e., in markets where Microsoft favors interoperability. These implementations work well because Mainsoft and Bristol have the benefit of Microsoft source code licenses, and need not be concerned about the completeness or accuracy of its API disclosure.

There are three major ways for the Court to ensure the availability of the installed base of Windows applications on all other operating systems.

Mandatory Porting

The first approach is to order Microsoft to offer mandatory ports of a Windows Application Environment to other operating

systems. The initial ports should be to the five operating systems offered by competitors mentioned in the Findings of Fact. This approach should require native and optimized ports that work well with the unique features of the host operating systems. An advantage of this approach is that it appropriately shifts the burden for reducing the applications barrier to entry from disadvantaged competitors to Microsoft.

These ports would be a very modest burden for a company as large as Microsoft. Next Software, a company with fewer than 400 employees and less than \$50 million annual revenue, ported the OpenStep operating system to four hardware platforms, and the OpenStep application environment to four other operating systems. Third party applications written for OpenStep ran properly on all these platforms without additional porting. The entire project cost approximately \$10 million. While the Windows code base is larger and more commingled, that is hardly an excuse for Microsoft to escape any additional burden that may result. These costs will be modest compared to the immense monopoly rents Microsoft has enjoyed as a result of the applications barrier to entry. Microsoft should be required to sell these products to OEMs, ISVs, IHVs, and end users at a price not to exceed fifty per cent of the lowest price for any Windows Operating System Product. There would also need to be provisions for adding new operating systems at minimum cost to their developers.

A disadvantage of mandatory ports is the risk that Microsoft would likely attempt to delay progress or produce low-quality ports. Strong enforcement and serious sanctions for violations would be necessary to ensure compliance.

Mandatory Licenses to Port Windows Application Environment

Another approach would be to order Microsoft to offer licenses to port Windows Application Environments to any other operating for which its developer or a third party requests one. The advantage of this approach is that developers or third parties would rapidly be able to develop high quality products to market on any operating system. The developers of new and innovative operating systems offering the greatest potential consumer benefit are likely to have limited access to capital. Accordingly, a limited number of licenses should not be allocated by auction alone. A small number of major licensees could limit availability to their preferred operating systems and raise barriers to entry for small and innovative operating system developers. Moreover, Microsoft might attempt to control this process by encouraging compliant, though formally unaffiliated, ISVs to acquire licenses and limit their use to operating systems that present no competitive threat.

Instead, at least one license should be issued for each operating system for which a port is requested by its developer or any third party. The initial license fee should be no more than an amount sufficient to cover Microsoft's administrative costs associated with licensing. Microsoft should then receive a per unit royalty from ISVs, IHVs, and OEMs not to exceed twenty-five per cent of the

lowest royalty paid for any Windows Operating System Product.

Mandatory Disclosure of Interfaces and Technical Information

The third approach is to order that Microsoft fully disclose all of the functional specifications for APIs, other interfaces, and technical information necessary for competent software developers to implement their own Windows Application Environments on any other operating system. The advantage of this approach is that it would leverage the efforts of existing projects working to create Windows Application Environments.

The required disclosure should include the right to the technical information about file systems needed to read the files on a disk partition on which Microsoft products are installed. This will permit consumers to install multiple operating systems on the same computer or home network.

This approach should also require Microsoft to grant a license of any intellectual property rights it claims are necessary to produce and sell these products. The license should be royalty-free and available on nondiscriminatory terms. The court should make it clear that "nondiscriminatory" requires that open source projects and their commercial derivatives are entitled to all of the benefits of these disclosures and licenses, provided that no Microsoft source code is incorporated into open source products.

Finally, Microsoft should be prohibited from including in its licensing terms any requirement that its software not be installed on computers with other operating systems. This will make consumers free to install and use existing Microsoft applications on other operating systems.

The remedies proposed by the Plaintiff Litigating States offer significant though partial steps toward this third approach. Section 4(a) (i) of their Remedial Proposal requires Microsoft to disclose all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable each Microsoft (emphasis added) application to Interoperate with Microsoft Platform Software installed on the same Personal Computer.

The Plaintiff Litigating States clearly recognized the importance of disclosing these interfaces. The APIs Microsoft employs to enable Microsoft applications to interoperate with Windows include almost all the APIs it employs to enable Windows applications written by third parties to interoperate with Windows. However, there are a small number of APIs that are called only by third party Windows applications. Disclosure of all of these APIs is essential in order to reduce the applications barrier to entry and enable consumers to run any of the 70,000 existing Windows applications on any other operating system.

It is likely that the Plaintiff Litigating States did not distinguish between these sets of APIs and intended that this remedy include the APIs used for all Windows applications. Nevertheless, the Court should insist that disclosure include all the APIs. The remedy could easily be changed to reflect this by requiring that Microsoft disclose

all APIs, Technical Information and Communications Interfaces that Microsoft employs to enable all Microsoft and/or third party Windows applications to Interoperate with Microsoft Platform Software installed on the same Personal Computer.

The Windows APIs are the centerpiece of Microsoft's monopoly power. The Court should now use that monopoly power to reverse the effects of its abuse and move Microsoft toward open, cross-platform competition. This would allow the market to begin to recover. The Court noted (Findings of Fact, 29) that it would take several years for middleware and the applications it supports to evolve into a competitive threat to Windows. This has yet to occur. Moreover, the prospects are worse than they were in 1995 because Microsoft now dominates the market for browsers and may be able to leverage that dominance.

The Court should correct for this market failure by ensuring that any Final Judgment contains at least one of the remedies that will enable the installed base of 70,000 applications that comprise the applications barrier to entry to run on any other operating system.

V. Make Native Ports of Microsoft Office Available on Any Other Operating System

VI. Provide a Way to Make Native Ports of Microsoft Office Available on Any Other Operating System

The Court should reject any proposed settlement or Final Judgment that does not provide a way to make native ports of Microsoft Office available on any other operating system. This is another direct and certain way to address the applications barrier to entry. In a competitive market, many consumers will choose operating systems because their features and benefits are necessary for advanced multimedia, networking, or other digital-age applications. Nevertheless, for many consumers, Office remains their one indispensable application. Its importance is highlighted by its role in the controversies between Microsoft and IBM and Microsoft and Apple. Unfortunately, the dependencies between Microsoft applications and Windows are another formidable element of the applications barrier to entry. Office and Internet Explorer are now dominant in most work environments, and most consumers need compatible applications at home. Office has proprietary file formats, APIs, and other features that add dependencies. If there is to be real competition in operating systems and other platform software, the dominance of Microsoft Office applications must not be allowed to favor Windows over other competitors.

Cross-platform ports of Office applications will ensure that consumers and businesses are free to choose alternative operating systems based on their distinct features and benefits. Porting Office to competing platforms is more certain and immediate than relying on other ISVs to develop productivity applications for them. Since their market share is presently low, there are few incentives for ISVs to write for them. There are two major ways for the Court to ensure the availability of Office applications on all other operating systems.

Mandatory Porting

The first approach is to order Microsoft to offer mandatory ports of its Office applications to other operating systems. The initial ports should be to the five operating systems offered by competitors mentioned in the Findings of Fact. This approach should require native and optimized ports that work well with the unique features of the host operating systems.

An advantage of this approach is that it appropriately shifts the burden for reducing the applications barrier to entry from disadvantaged competitors to Microsoft. The price charged for these products to ISVs, IHVs, OEMs and end users would need to be limited to the comparable price of Office for Windows. There would also need to be provisions for adding new operating systems at minimum cost to their developers. A disadvantage of mandatory ports is the risk that Microsoft would likely attempt to delay progress or produce low-quality ports. Although mandatory ports of complex Silicon Graphics software worked well, strong enforcement and serious sanctions for violations would be necessary to ensure that Microsoft complies.

The specialized Macintosh Business Unit established by Microsoft after the 1997 agreement to continue the port of Office for Macintosh has demonstrated, with upgrades to Office and Internet Explorer, that Microsoft can optimize ports to take advantage of features not available on Windows. This optimization made a noticeable difference in the user experience and is one of the few positive results of the "normalization" between Microsoft and Apple.

Microsoft should be required to continue its port of Office to Apple operating systems. The existing agreement to port Office to the Macintosh operating system expires this year. Microsoft could again hold Apple hostage and demand concessions in exchange for continuing this port. The remedies proposed by the Plaintiff Litigating States require this. However, Apple now has a modern operating system with an advanced object-oriented application environment called Cocoa. Apple asked Microsoft to port to this application environment in 1997 and Microsoft declined. This was a decisive factor in delaying the release of the new OS X operating system and forcing Apple to add an interim application environment to that operating system. Microsoft should be required to support the most advanced application environment on any operating system to which it ports Office. Any settlement or Final Judgment should require that Microsoft port Office to the Cocoa application environment within three years in order to allow Apple to shift the orientation to this new technology.

Mandatory Licenses to Port Office

Another approach would be to order Microsoft to offer licenses to port its Office applications to any other operating system for which its developer or a third party requests one. The advantage of this approach is that developers or third parties would rapidly be able to develop high quality products to market on any operating system. The remedies proposed by the Plaintiff

Litigating States offer significant though partial steps toward this approach. Section 14(b) of the Remedial Proposal submitted by the states requires that Microsoft offer to sell at auction at least three licenses to port Office to other operating systems without further royalty beyond the auction price. The developers of new and innovative operating systems offering the greatest potential consumer benefit are likely to have limited access to capital. Accordingly, a limited number of licenses should not be allocated by auction alone. A small number of major licensees could limit availability to their preferred operating systems and raise barriers to entry for small and innovative operating system developers. Moreover, Microsoft might attempt to control this process by encouraging compliant though formally unaffiliated ISVs to acquire licenses and limit their use to operating systems that present no competitive threat.

Instead, at least one license should be issued for each operating system for which its developer or a third party requests one. The initial license fee should be no more than an amount sufficient to cover Microsoft's administrative costs associated with licensing. Microsoft should then receive a per-unit royalty from ISVs, IHVs, OEMs, and end users indexed to a specified price for Office.

VI. Provide a Way for Competing Productivity Applications to Interoperate with Microsoft Applications.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run competing productivity applications on any other operating system and interoperate with Microsoft applications. The importance of competition in operating systems is to provide superior platforms that enable the development of applications with richer features and compelling benefits to consumers. Sustaining competition in operating systems will require renewed competition in applications.

Microsoft's proprietary file formats are another significant element of the applications barrier to entry. Their only benefit is to exclude competitors. A vast amount of valuable data is held captive in Office files. Just as consumers' ability to carry over their installed base of Windows applications to new platforms is essential to restoring competition in the market for operating systems, their ability to carry over data now held captive in Microsoft files to new applications is essential to competition in the markets for applications and, therefore, operating systems.

Any Final Judgment should require Microsoft to publish all file formats needed to read, write, and save Office files.

Requiring Microsoft to publish these file formats will allow consumers to migrate to new (and more advanced) applications without losing data. This will provide ISVs with ample incentives to write new applications for Windows and alternative operating systems and ensure that, as market share grows, Microsoft applications are not the only ones ported to competing systems.

Microsoft also uses its Object Linking and Embedding (OLE) framework and other proprietary specifications for inter-

application communications instead of published APIs. These make it possible for Office applications to exchange files, data, and services with other Microsoft applications. These are yet another significant element of the applications barrier to entry. Without open interfaces, competing applications cannot exchange data with Office applications.

Any Final Judgment should also require that Microsoft publish the file formats of its applications and the specification for OLE and other proprietary specifications needed for inter-application communications.

Requiring Microsoft to publish these specifications will allow consumers to choose productivity applications from multiple vendors and still have the benefits of an integrated application suite. A spreadsheet from one vendor could be combined with a drawing program from another and a presentation program from a third. Consumers could then replace one program without having to purchase another complete suite and discard applications. This will increase incentives for ISVs to write applications. Since ISVs will no longer have to design an entire suite of software, a small ISV will be able to concentrate its resources on developing a more innovative product for a single niche and will be able to compete more effectively with larger ISVs.

VII. Provide a Way to Run Internet Explorer and Other Microsoft Internet Applications on Any Other Operating System.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to make native ports of Internet Explorer and other Microsoft Internet applications available on any other operating system. This is another direct and certain way to address the applications barrier to entry.

For many consumers, Internet Explorer is becoming another indispensable application. Its importance is highlighted by its role in the controversies between Microsoft and IBM and Microsoft and Apple. Internet Explorer is now the dominant application for access to the World Wide Web. If there is to be real competition in operating systems and other platform software, the dominance of Microsoft Internet applications must not be allowed to favor Windows over other competitors. Cross-platform ports of Internet Explorer and other Microsoft Internet applications will ensure that consumers and businesses are free to choose alternative operating systems based on their distinct features and benefits.

There are two major ways for the Court to ensure the availability of Internet Explorer and other Microsoft Internet applications on all other operating systems. As with Office, the first approach is to order Microsoft to offer mandatory ports of it Internet Explorer to other operating systems. All the considerations and provisions that apply to ports of Office should apply to Internet Explorer, except that the ported products should remain free as long as Internet Explorer for Windows is free. As with Office, another approach would be to order Microsoft to offer licenses to port Internet Explorer to any other operating system that requests one. Again, all the considerations

and provisions that apply to licenses to port Office should apply to Internet Explorer, except that the license fees would need to be very limited since Explorer for Windows is a free product.

The remedies proposed by the Plaintiff Litigating States offer a more comprehensive approach. Section 12 of their Remedial Proposal requires that Microsoft offer open source licenses to Explorer source code without royalty. This approach will offer other operating systems and consumers all the benefits that mandatory porting or licenses to port will offer.

Since Microsoft's intent in offering Internet Explorer as a free product was central to its unlawful conduct, the open source remedy may be appropriate to restore competition and deprive Microsoft of the fruits of its unlawful conduct. There is also much less justification for protecting the source code of Explorer than there is for Office or Windows.

Moreover, opening the source code of Internet Explorer will make it more difficult for Microsoft to extend its triple monopoly and create another set of *de facto* standards eliminating competition for the architecture for distributed Internet computing and the advanced networking applications. Any Final Judgment should incorporate provisions to reduce the likelihood that Microsoft will continue to create an ever more powerful monoculture on the web and gain control of cyberspace in the same way it gained control of the desktop.

Nevertheless, if the Court declines to adopt the remedy proposed by the Plaintiff Litigating States, mandatory porting of Internet Explorer or mandatory licenses to port it will assist in restoring competition, innovation, and consumer choice in operating systems.

VIII. Provide a Way for Competing Internet Applications to Interoperate with Microsoft Applications.

The Court should reject any proposed settlement or Final Judgment that does not provide a way to run competing Internet applications on any other operating system and interoperate with Microsoft applications.

Microsoft's proprietary Internet interfaces, file formats, media formats, codecs, and extensions are another significant element of the applications barrier to entry. Their only benefit is to exclude competitors. Any Final Judgment should require Microsoft to publish these specifications.

Requiring Microsoft to publish them will allow consumers to migrate to new Internet applications. It will provide ISVs with ample incentives to write new Internet applications and ensure that Microsoft applications are not the only ones ported to competing systems.

Microsoft is also using proprietary specifications for inter-application communications instead of published APIs in its Internet applications. Any Final Judgment should also require that Microsoft publish the specifications needed for inter-application communications.

Requiring Microsoft to publish these specifications will allow consumers to choose Internet applications from multiple vendors and still have the benefits of integrated Internet applications.

The open source remedy proposed by the Plaintiff Litigating States will offer other operating systems and consumers all the benefits that disclosure of these specifications will offer. Moreover, opening the source code will make it more difficult for Microsoft to create an integrated Internet architecture that excluded applications and components from other software developers and deprived consumers of choice. Nevertheless, if the Court declines to adopt that remedy, mandatory disclosure of these specifications will assist in restoring competition, innovation, and consumer choice in operating systems.

IX. Provide a Way to for Developers and Consumers to Remove and Replace

Components of Microsoft Products with Superior or Special Purpose Components. Microsoft has regularly sacrificed best practices, value added, and innovation to strategies that extend its monopoly. Resources that could be invested in product improvement or breakthrough innovation are consistently diverted to prevent developers from substituting superior components and raise the "switching costs" for users who wish to replace Microsoft products with preferred alternatives. After years of these practices, an extraordinarily high proportion of the value of Microsoft's intellectual property is in the unpublished interfaces and communication protocols that exclude competitors. Microsoft's relentless pursuit is promoted in the guise of 'integration.' This purported 'integration' neither makes its software run faster than comparable competing software nor work more seamlessly. Indeed, the commingling of code from so many components into the foundations of the operating system is why its entire software monoculture is so vulnerable to instability, security breaches, and viruses. The digital age requires a better foundation.

X. Deprive Microsoft of the Power to Control the Computing Hardware Market

The Court should reject any proposed settlement or Final Judgment that does not deprive Microsoft of the power to control the computing hardware market Microsoft monopoly power has externalities in hardware choices as well as operating systems and applications. The Court found that Microsoft was able to pressure Intel to stop developing platform software because of Intel's dependency on Microsoft support for Intel microprocessors (Findings of Fact, 102). Since Intel is so dependent on Microsoft, Microsoft has the ability to influence Intel's processor designs. Intel therefore embraces strategies and technologies that favor Windows at the expense of hardware innovations that would benefit superior operating systems. Over the years, the technical dependencies between Windows and Intel processors have increased.

These dependencies assist Microsoft in preserving the applications barrier to entry. Locking Windows and Intel together tends to lock others out of both the operating systems and microprocessor markets. Since the market for personal computers that run Windows is very profitable for Intel, these dependencies are "golden handcuffs" that

limit Intel's freedom to design the best processors. Intel's next generation processor architecture is burdened with numerous legacy features that would likely not be included if Microsoft did not insist on them, and the performance of the prototypes has been disappointing.

Consumers have almost no alternatives to Intel-compatible personal computers. This limitation is itself a result of Microsoft's protection of the applications barrier to entry. Microsoft initially supported the Common Hardware Reference Platform (CHRP), an open PowerPC hardware platform that supported a number of alternative operating systems including Macintosh, BeOS, and Solaris. CHRP was an important habitat for other operating systems. It was also a potential path for migration from Windows to these operating systems, since it would have allowed consumers and business to switch from one system to another without having to purchase another computer. Accordingly, it was perhaps the most significant threat to the dominance of the Wintel platform. Microsoft abandoned its support for CHRP at a critical moment in the platform's development. Apple abruptly withdrew its support shortly after its so-called "normalization" of relations with Microsoft in 1997. Without support from Microsoft and Apple, critical customers lost confidence in the platform. CHRP has since been dormant. Its successor, the PowerPC Open Platform, is sustained mainly by the interest of Linux developers. Without additional commercial support, this exceptional platform may be never be widely available to consumers.

The Court should include in any Final Judgment provisions for porting Windows to other hardware platforms with non-Intel compatible microprocessors. The Court could require that Microsoft port Windows to specified alternative microprocessors and recompile its software to run on the versions of Windows ported to those microprocessors. This would require the same sorts of provisions to ensure a quality port that mandatory ports of other software would require.

The Court could alternatively order Microsoft to issue source code licenses for the purpose of porting Windows to any microprocessor for which a port is requested. Since the number of alternative microprocessor architectures is limited, this would likely only require issuance of three or four licenses. Microsoft should of course be entitled to receive a royalty on every unit of these products. The royalty should be no greater than the lowest royalty charged to an OEM for Intel-compatible versions of Windows.

XI. Provide Equal Access to the Existing OEM Distribution Channel

OEMs are the most important distribution channel for operating systems (Findings of Fact, 54), middleware, and other software. Few consumers will install an alternative operating system even as a complement to Windows if it requires partitioning a disk drive and reinstalling all Microsoft software or adding another disk drive. Equal access to OEM distribution will level the playing field and restore competition.

In 1998, while the current case was underway, Be attempted to persuade Microsoft drove Be from the operating system market by threatening computer makers who had agreed to bundle Be as a second operating system with prohibitive increases in Windows licensing fees and refusing to allow installation of a boot loader that would allow consumers running Windows to reboot their computers into the Be operating system. The Be technology was sold to Palm for \$11 million.

Effective remedies must ensure that alternative operating systems and other software products that compete with Microsoft's monopoly products have immediate access to this distribution channel. The Court should require in any Final Judgment that Microsoft be prohibited from licensing any operating system, applications, or middleware to an OEM for installation on a computer unless each unit shipped with a Microsoft operating system also includes alternative software products corresponding to the Microsoft products installed on that computer.

Consumers would have the opportunity to experience the benefits of alternative systems, and competitors who have been excluded from coexistence with Microsoft on OEM computers would have new incentives to invest. OEMs could use the choice of which competing products to offer in each category to differentiate their offerings.

This would impose no substantial financial burden on the OEMs. Free distributions of Linux, BeOS, BSD Unix, and other alternative operating systems are available. OEMs could shift responsibility for support for these products to the manufacturers or other interested parties. Consumer demand would develop for the products that offered the most value, and OEMs could then charge for them.

XII. Minimum Term of Any Final Judgment

The Court should reject any proposed settlement or Final Judgment with a term of less than ten years. The AT&T case indicates that, contrary to popular notions, ten years is not so long in a dynamic industry. The recombining of the 'Baby Bells' began almost as soon as the Term of the Modified Final Judgment expired. Meanwhile, their control of the 'last mile' of connectivity into consumer homes has enabled them to drive Competitive Local Exchange Carriers and residential broadband providers out of the market.

One lesson from this experience is that the last mile is a commons that is essential for all competitors, and equal access to that commons may need to continue until it no longer offers any leverage to exclude competitors. Since interoperability remedies of the sort provided in these comments are essential to establishing a commons through which new competitors can enter markets controlled by Microsoft, the Court should ensure that they are maintained for at least a decade, or until competition in platform software is so robust that Microsoft no longer has the ability or incentives to control key interfaces.

Some of Microsoft's anti-competitive practices originated more than a decade ago. The wave of anti-competitive conduct that

led to the filing of this case began six years ago. The magnitude of the damage to related markets suggests that even well-designed, pro-competitive remedies will require a decade to restore competition and reverse the gains resulting from Microsoft's unlawful conduct.

XIII. Provisions for Enforcement and Consequences for Violation

The Court should reject any proposed settlement or Final Judgment that does not have strong provisions for enforcement and serious consequences for violation of disclosure requirements and other mandates. The Court should appoint a Special Master to monitor and enforce Microsoft's compliance with the Final Judgment. The Court should consider the voice of the Plaintiff Litigating States, competitors, and consumer organizations in selecting the Special Master. There should be provisions for selection of a replacement if necessary and a way to prevent Microsoft from corrupting the selection process in the event of political changes.

The Special Master must have the authority and resources to thoroughly monitor and enforce Microsoft's compliance with the terms of this Final Judgment. Most important, the Special Master will need full access to all of Microsoft's source code for the purpose of verifying the completeness and accuracy of its required disclosures. Access to source code in a secure facility proposed in the remedial proposal of the Plaintiff Litigating States does not adequately enable competitors to verify the completeness and accuracy of disclosure.

The settlement must also provide an effective 'crown jewel' provision that will deprive Microsoft of both the tools and spoils of its illegal monopoly. There must be substantial penalties for non-compliance. For the same reasons that protection of the source code during verification is so great a concern for Microsoft, placing the source code in the public domain would be the best "crown jewel" provision.

IV. Conclusion

The Court should reject the proposed settlement and schedule public proceedings. It must The Court should reject the proposed settlement and schedule public proceedings. It must conduct its own inquiry into both the ends that proper remedies must achieve and the best means to achieve them.

These proceedings should include a significant opportunity for consumers to participate, including the opportunity to propose remedies, present evidence, and to argue for correcting the effect of illegal monopoly. The remedies recommended in these comments should be given serious consideration in those proceedings. Even with the inclusion of these remedies in a settlement or Final Judgment, competing operating systems and competing software face uphill battles against the fruits of Microsoft's years of unlawful conduct.

Competing products will still be disadvantaged by the large investment in training that companies and consumers have on Microsoft products and the great degree of familiarity information technology professionals have with those products.

Nevertheless, these remedies offer the best chance to restore competition, innovation, and consumer choice.

The scheduled proceedings on the Remedial Proposal submitted by the Plaintiff States should complement rather than replace public proceedings under the Tunney Act. The Court should also propose that the Plaintiff Litigating States incorporate these recommendations into a Revised Proposed Final Judgment. Although the remedies proposed by these states are important and should be included in any Final Judgment, their proposed remedies have been shaped more by the debate between Microsoft and its competitors than by a consumer voice.

The absence of a strong consumer presence is reflected in the omission of some of the most basic remedies of importance to consumers. The absence of these remedies create the likelihood that the development of the information economy and culture promised by the potential of computer technology will remain stymied and undeveloped much as the telephone communicating system crept along at a snails pace for the nearly one hundred years of the Bell systems monopoly.

Opening up the Microsoft monopoly with serious remedies that include the consumer interest in the final market place equation will make possible the next leap in communication technology, and with it the significant economic development, on the brink of which society now stands. These new developments are to the Internet as the Internet is to the telephone. Failure to include these consumer-oriented remedies threatens society with economic downturns and cultural stagnation. We urge the court not to accept the economically and culturally crippling proposed final judgment.

James S. Turner Charles D. Brown
Chair Counsel
Consumer for Computing
Choice Consumers for Computing Choice
Drexel Sprecher Michael Vlahos
Co-Chair Co-Chair
Open Platform Working Group Open
Platform Working Group

APPENDIXES

A. Motion for Hearing on The Issues Presented#

1. This has been a common sense presentation#
2. Expert testimony will support it#

XIII. Interests of the Parties Submitting Comments#

- A. Consumers for Computing Choice#
- B. Open Platform Working Group#
- B. Offer of Proof#
- A. Witnesses#
- B. Issues#

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

THE UNITED STATES OF AMERICA
Plaintiff vs. Civil Action No. 98-1232
(CKK)

MICROSOFT CORPORATION
Defendant STATE OF NEW YORK ex rel.
Plaintiffs, vs. MICROSOFT
CORPORATION
Defendant Motion for Evidentiary Hearing

Defendant, Microsoft Corporation by the undersigned counsel respectfully moves this honorable court for an evidentiary hearing in the above captioned matter. As grounds for the motion, which are more fully determined in the accompanying memorandum of points and authority defendant, asserts:

1. Defendant has new evidence previously not considered by the court
2. The failure of the court to hear and consider this new evidence would not only constitute a denial of due process and or would be impermissibly prejudicial to the defendant and to other parties to this case.

CONSUMERS FOR COMPUTING CHOICE

Executive Board
James S. Turner, Chair
Consumer Interest Lawyer
Swankin & Turner
Charles D. Brown
Consumer Interest Lawyer
Former Attorney General
State of West Virginia
Jeri Smith-Fornara
Arizona Consumer Council
Tom Andrews
Former United States Representative
State of Maine
President
New Economy Communications
Ira Arlook
Founder
Citizen Action

MTC-00033614

From: Don Botkin
To: Ms. Renata Hesse
Date: 1/29/02 12:13am
Subject: Microsoft Settlement
Don Botkin
108 1/2 East Main St.
Heyworth, IL 61745-0456
January 29, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken

up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Don T. Botkin

MTC-00033615

From: Holly Falls
To: Microsoft Settlement
Date: 1/29/02 12:15am
Subject: Microsoft Settlement
Holly Falls
11301 Riverbank Blvd
Orlando, Fl 32817
January 29, 2002
Microsoft Settlement
U.S. Department of Justice-Antitrust Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
Holly & David Falls

MTC-00033616

From: Leo Stevenson
To: Microsoft ATR
Date: 1/28/02 7:11pm
Subject: Microsoft Settlement
Renata B. Hesse
Antitrust Division
U.S. Department of Justice

Please accept the settlement for Microsoft. Let's move on without further litigation. Our national economy needs to move on. Accepting the Microsoft settlement will help our national economy move forward.

MTC-00033617

From: Wade Mountz
To: Ms. Renata Hesse
Date: 1/28/02 7:38pm
Subject: Microsoft Settlement
Wade Mountz
9 Muirfield Place
Louisville, KY 40222
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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Sincerely,
Wade Mountz

MTC-00033618

From: JHabicht
To: DOJ
Date: 1/28/02 7:39pm
Subject: anti-trust case

I would like to voice my opinion on the anti-trust case against Microsoft. I feel this case should be resolved immediately. 30 of the states were not concerned enough to participate in the lawsuit. Eleven of the original 20 states involved were satisfied with the settlement. The remaining states led by the viciously revengeful attorneys general of Miller and Blumenthal are prolonging this case beyond reason. These two individuals have some ax to grind against Microsoft and the court and department of justice should put an end to this.

People like the bundling approach because it makes the life of working on a computer and the internet easier. Technology moves too quickly for any one company to dominate or monopolize.

I hope this lawsuit can be resolved in the next few months and not drag this out any longer.

John Habicht
11792 Diamond Dr.
Shelby Township, MI 48315

MTC-00033619

From: Elmer Elias
To: Ms. Renata Hesse
Date: 1/28/02 7:50pm

Subject: Microsoft Settlement
 Elmer Elias
 5401 bus.83
 Harlingen, Tx 78552-3639
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever,

the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Elmer Elias

MTC-00033620

From: Sandra D. Lucas
 To: Renata B. Hesse for John Ashcroft
 Date: 1/28/02 7:59pm
 Subject: Microsoft Settlement

Dear Mr. Ashcroft:

I would like to make it clear that I, along with millions of other sensible people, am in full support of an end to the Microsoft antitrust case. I believe you should support the settlement agreed upon in this case. The legal system should leave Microsoft alone.

Microsoft is a very ingenious and successful company. Thousands of people depend on Microsoft for their employment. Microsoft also exports many products, which is good for our country's economy. There is no reason for the government to keep going after Microsoft, especially since a settlement exists that could end this case. The settlement will give competitors the right to place their software on Microsoft's systems. What else could they want? Perhaps the competitors want to exploit the legal system to get at Microsoft.

I believe you are a sensible person with a good instinct for justice. That is why I have confidence you will settle this case.

Thank you for acknowledging my opinion and request.

Sincerely,
 Sandra D. Lucas

MTC-00033621

From: Don LeBlanc
 To: Microsoft ATN
 Date: 1/28/02 8:04pm
 Subject: Microsoft Settlement
 DONALD LeBLANC
 70 COURTSIDE CIRCLE
 SAN ANTONIO, TEXAS, 78216
 January 26, 2002
 Attorney General John Ashcroft
 United States Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Mr. Ashcroft,

I am writing you today to express my opinion in regards to the Microsoft antitrust dispute. I fully support Microsoft in this dispute and believe that the settlement that was reached in November is a fair and reasonable means to end this costly litigation. I do not believe this lawsuit should have been initiated in the first place. I also feel that the charge that Microsoft is a monopoly is false and unrealistic.

This settlement is the best alternative in an imperfect IT world. Microsoft came to terms with its more controversial policies and rectified them. Now the company will do such things as disclose various interfaces of the Windows OS and designing future versions of Windows to make it easier to install non-Microsoft software. These actions will help its rivals gain a competitive edge that they did not have before.

As a schoolteacher, I have seen firsthand what Microsoft has done for the classroom.

Please support this settlement and stop restricting Microsoft. This company has a lot to contribute to our society.

Thank you for your support.

Sincerely,
 Donald LeBlanc
 CC:fin@mobilizationoffice.com@inetgw

MTC-00033622

From: Barbara Sanders
 To: Microsoft Settlement
 Date: 1/28/02 8:06pm
 Subject: Microsoft Settlement
 Barbara Sanders
 RR 1, Box 50A-1
 Terra Alta, WV 26764
 January 28, 2002
 Microsoft Settlement
 U.S. Department of Justice-Antitrust Division
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry.

It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom. And the investors who propel our economy can finally breathe a sigh of relief.

Upwards of 60% of Americans thought the federal government should not have broken up Microsoft. If the case is finally over, companies like Microsoft can get back into the business of innovating and creating better products for consumers, and not wasting valuable resources on litigation.

Competition means creating better goods and offering superior services to consumers. With government out of the business of stifling progress and tying the hands of corporations, consumers—rather than bureaucrats and judges—will once again pick the winners and losers on Wall Street. With the reins off the high-tech industry, more entrepreneurs will be encouraged to create new and competitive products and technologies.

Thank you for this opportunity to share my views.

Sincerely,
 Barbara A. Sanders

MTC-00033623

From: Barbara I. Ball
 To: Microsoft Settlement
 Date: 1/28/02 8:10pm
 Subject: Microsoft Settlement
 Barbara I. Ball
 104 Goddard Place
 La Crosse, WI 54603
 January 28, 2002
 Microsoft Settlement
 U.S. Department of Justice-Antitrust Division
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

Dear Microsoft Settlement:

The Microsoft trial squandered taxpayers' dollars, was a nuisance to consumers, and a serious deterrent to investors in the high-tech industry. It is high time for this trial, and the wasteful spending accompanying it, to be over. Consumers will indeed see competition in the marketplace, rather than the courtroom.

And the investors who propel our economy can finally breathe a sigh of relief.

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Our economies downturn started the sametime as the lawsuit started. I remember thinking that with so many people losing their entire savings because of the lawsuit that the people most hurt by all of this nonsense was the little guy with the most to lose.

Yahoo also lost big and the people who invested money was the factory workers, the sales clerks, etc. The government has to get out of our business and stick to the job the constitution gave them. Everything the government touches goes right down the tubes and this proves it.

Thank you for this opportunity to share my views.

Sincerely,
Barbara Inez Ball

MTC-00033624

From: Britt Blaser
To: Microsoft ATR
Date: 1/28/02 8:15pm
Subject: Microsoft Settlement
A Subversion of US Power.

Who will be remembered as the official(s) who handed Microsoft the license to be the country's sole supplier of reading, writing and calculating tools. Microsoft is already a larger economy than most nations, and is growing faster than any. More importantly, it levies a tax on every word written and read in our government and our military.

It is bad policy, and probably illegal, for the government to depend on a sole supplier for any significant resource. Yet the government's operations are dependent on the continuing forbearance of Microsoft in allowing the government's computers to function. Not only is Microsoft the sole contractor of one of the government's most pervasive products, MICROSOFT IS THE SOLE PURVEYOR OF OUR ABILITY TO GOVERN. Absurd? History is littered with the corpses of governments that did not realize the source of their diminution. Just because Microsoft is not a government, is it to be taken any lighter than so many governments wielding inferior resources? We took Al Qaeda lightly until its real power was demonstrated.

If Microsoft's strength is not checked now, how will it be checked when it is stronger? Do we doubt its strength will grow? It is tempting (and easier) to dismiss the idea that Microsoft could wield its power unethically

against its fellow citizens, but is it responsible to ignore the possibility? Is there a guarantee that Microsoft's controlling interest cannot fall into the wrong hands? When most PCs are running XP V. 3, what is the remedy when an unforeseen but persistent registration error causes USDOJ computers to perform unreliably.

Of course this is absurd today, but when is it no longer absurd? Is any of us wise enough to say it can never happen? What set of unforeseen circumstances would have to occur for this settlement to become the most foolish lapse of governance in our history?

Respectfully submitted,
Lee B. Blaser

MTC-00033625

From: Donmwardsr@aol.com@inetgw
To: Microsoft ATR
Date: 1/28/02 8:16pm
Subject: MICROSOFT SETTLEMENT

Dear Mr. Ashcroft, Microsoft, in my opinion, has offered a very fair settlement after three years of great time and legal expense for both GOV. and MICROSOFT.

Lets settle this thing and schools will benefit, competitors can use prop. windows, customers have choices, and everyone (including Massachusetts) can return to being more productive!!

Cordially,
Don M. Ward, Sr. , Charlotte, N.C.
CC:fin@mobilizationoffice.com@inetgw

MTC-00033626

From: Brent McKay
To: Ms. Renata Hesse
Date: 1/28/02 5:45pm
Subject: Microsoft Settlement
Brent McKay
2025 East 30th Street
Scottsbluff, NE 69361
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers

and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Brent McKay

MTC-00033627

From: James Duffy
To: Ms. Renata Hesse
Date: 1/28/02 5:54pm
Subject: Microsoft Settlement
James Duffy
1147 W 162nd Street
Gardena, Ca 90247-4421
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by

District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
James Duffy

MTC-00033628

From: Lawrence Greene
To: Ms. Renata Hesse
Date: 1/28/02 5:55pm
Subject: Microsoft Settlement
Lawrence Greene
46 Goodnow Road
Princeton, MA 01541
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

The only reason that Sun, Oracle, Apple etc have wanted Microsoft broken up is because they beat them in the marketplace. Yet the founders of these companies are the ultimate entrepreneurs and would be screaming if the Justice Department came after them.

Furthermore, the consumers have benefited tremendously from Microsoft SW. It is low cost, fully integrated, and makes all of us more productive. Why do we want to hurt a major exporter to the world that helps the US balance of payments. The rest of the World laughs at us when we break up our large companies so that can't compete against their foreign competitors.

Again the only beneficiary in this suit are the lawyers. Paying lawyers doesn't add any benefit to our economy nor make us more productive nation. It is a negative nonvalue added cost.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Lawrence & Marcia Greene

MTC-00033629

From: Jerry Jorgensen
To: Ms. Renata Hesse
Date: 1/28/02 5:59pm
Subject: Microsoft Settlement
Jerry Jorgensen
2505 Las Brisas Dr
Virginia Beach, VA 23456
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jerry Jorgensen

MTC-00033630

From: Donald Russell
To: Ms. Renata Hesse
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement
Donald Russell
28 Brandywine Dr.
Cincinnati, OH 45246
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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programming language and thus will be able to make Microsoft programs compatible with their own. Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Donald S. Russell

MTC-00033631

From: Donald Russell
To: Ms. Renata Hesse
Date: 1/28/02 6:15pm
Subject: Microsoft Settlement
Donald Russell
28 Brandywine Dr.
Cincinnati, OH 45246
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Donald S. Russell

MTC-00033632

From: Gary Prae
To: Ms. Renata Hesse
Date: 1/28/02 6:29pm
Subject: Microsoft Settlement
Gary Prae
5702 Newberry Point Drive
Flowery Branch, GA 30542
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of

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Sincerely,
Gary Prae

MTC-00033633

From: Peter McCulloch
To: Microsoft ATR
Date: 1/28/02 7:01pm
Subject: Microsoft Settlement

This organization has done irreparable harm to the computational world through its past (and greatly continuing!) predatory policies. That such a light settlement has been proposed is a true travesty. My disgust

with Microsoft has led me to the linux community and free software movement, the only places where Microsoft has been unable to wrap its slithery tentacles. Only a fool would allow them to continue the course of their present action, as each day they spread themselves in a new direction, looking to extend their monopoly.

Peter McCulloch
Center for Experimental Music and
Intermedia
University of North Texas

MTC-00033634

From: Shana Clark
To: Ms. Renata Hesse
Date: 1/28/02 7:02pm
Subject: Microsoft Settlement
Shana Clark
8636 Kendall Drive
Plano, tx 75025
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including home land security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Shana Taylor Clark

MTC-00033635

From: Martin Ryszka
To: Ms. Renata Hesse
Date: 1/28/02 7:06pm
Subject: Microsoft Settlement
Martin Ryszka
7517 Miller Rd.
Dearborn, MI 48126
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Martin S. Ryszka

MTC-00033636

From: Scott Petty
To: Ms. Renata Hesse
Date: 1/28/02 4:17pm
Subject: Microsoft Settlement
Scott Petty
712 Hickory Knoll Road
Franklin, NC 28734
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Scott M. Petty

MTC-00033637

From: Robert Bush
To: Ms. Renata Hesse
Date: 1/28/02 4:32pm
Subject: Microsoft Settlement
Robert Bush
1062 Irene St.
Burlson, TX 76028
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As

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Sincerely,
Bob Bush

MTC-00033638

From: Bambi Bush
To: Ms. Renata Hesse
Date: 1/28/02 4:34pm
Subject: Microsoft Settlement
Bambi Bush
1062 Irene St.
Burlson, TX 76028
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

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Sincerely,
Bambi Bush

MTC-00033639

From: Charlene Hechler
To: Ms. Renata Hesse
Date: 1/28/02 4:52pm

Subject: Microsoft Settlement
Charlene Hechler
26 Pine Arbor Lane #107
Vero Beach, FL 32062
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Charlene Y. Hechler

MTC-00033640

From: SAMUEL YOUNGMAN
To: Ms. Renata Hesse
Date: 1/28/02 4:56pm
Subject: Microsoft Settlement
SAMUEL YOUNGMAN
503 EXETER LANE
CAMBRIA, CA 93428
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
SAMUEL YOUNGMAN

MTC-00033641

From: Ronald Couey
To: Ms. Renata Hesse
Date: 1/28/02 5:09pm
Subject: Microsoft Settlement
Ronald Couey
1427 Summit Run Circle
West Palm Beach, FL 33415-4748
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Ronald Couey

MTC-00033642

From: Jeffrey Marty
To: Ms. Renata Hesse
Date: 1/28/02 5:15pm
Subject: Microsoft Settlement
Jeffrey Marty
2034 Londonderry Dr #304
Madison, WI 53704-4114
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
Jeffrey C. Marty

MTC-00033643

From: Edward Briggs
To: Ms. Renata Hesse
Date: 1/28/02 5:24pm
Subject: Microsoft Settlement
Edward Briggs
6735 Lakefront Drive
Magalia, CA 95954
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,

Edward W. Briggs

MTC-00033644

From: Edward Evanko
To: Ms. Renata Hesse
Date: 1/28/02 5:29pm
Subject: Microsoft Settlement
Edward Evanko
1885 Military Ave
Seaside, CA 93955
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,

Edward Evanko

MTC-00033645

From: Dorothy Pittsley
To: Ms. Renata Hesse
Date: 1/28/02 5:33pm
Subject: Microsoft Settlement

Dorothy Pittsley
11406 E 4th Ave.
Spokane, WA 99206
January 28, 2002

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

Ms. Hesse:

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the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dorothy N. Pittsley

MTC-00033646

From: Jjangard@aol.com@inetgw
To: fin@mobilizationoffice.com@inetgw
Date: 1/28/02 2:56pm
Subject: microsoft settlement

Cannot believe what the justice dept. is trying to do to a[large exporting business] this country needs more exports Microsoft brings billions to this country Also I would start a new business if I could have Orin Hatch, Novell, Sun micro Systems, Time Warner AOL, many other competitors & the justice dept. To stifle my competition I couldn't help but make money

This is real injustice done by GREEDY FAME SEEKING ATTORNEYS & JANET RENO TRYING TO FURTHER THEIR POLITICAL GOALS What Microsoft & BILL & MELINDA GATES FOUNDATION HAVE DONE FOR SCHOOLS ABUSED WOMEN & THOUSANDS OF OTHER GOOD CAUSES, PLAY GROUND EQUIPMENT FOR SCHOOLS THE ATTORNEY GENERALS OF STATES THAT WONT SETTLE ARE HURTING SCHOOLS IN THEIR STATES BY NOT ACCEPTING SOFTWARE, COMPUTERS & ECT. FOR THEIR SCHOOLS THEY WANT CASH TO USE ON THEIR PET PROJECTS [JUST LIKE TOBACCO MONEY] WHICH WAS FOR HEALTH CARE BUT USED FOR OTHER PET PROJECTS

Al Jangard oly wa
CC:Microsoft ATR

MTC-00033647

From: John Dunshee
To: Ms. Renata Hesse
Date: 1/28/02 3:00pm
Subject: Microsoft Settlement
John Dunshee
32015 Griffith Dr
Tangent, OR 97389
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely,
John Dunshee

MTC-00033648

From: David Thrasher
To: Ms. Renata Hesse
Date: 1/28/02 3:02pm
Subject: Microsoft Settlement
David Thrasher
300 Hickory Street SE
Hartselle, AL 35640-2552
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

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Sincerely, David L. Thrasher

MTC-00033649

From: Gerald Hillman
To: Ms. Renata Hesse
Date: 1/28/02 3:09pm
Subject: Microsoft Settlement
Gerald Hillman
4218 Village East Circle
San Angelo, TX 77904-6662
January 28, 2002

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

Ms. Hesse:

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Sincerely,
Gerald W Hillman

MTC-00033650

From: Jonathan H. Bari
To: Renata Hesse
Date: 1/28/02 3:23pm
Subject: Microsoft Settlement

Dear Renata,
Pursuant to the Tunney Act, attached please find our comments on the Revised Proposed Final Judgement.

Thank you.

Jon
(NOTE NEW OFFICE ADDRESS AS OF 11/21/01)

Jonathan H. Bari
Chairman and CEO
CATAVAUULT
100 West Elm Street, Suite 400
Conshohocken, PA 19428
610.941.3388
610.828.9966 (fx)
jon@catavault.com

<http://www.catavault.com/company>
CNN Headline News call CATAVAUULT—
“one site that can get you in everywhere...”

Business Week calls CATAVAUULT, “An Open Sesame for the Whole Web.”

This message may contain privileged and confidential information. In the event that this message has reached you in error, you must not disseminate, copy or take any action in reliance on it, and we would ask you to notify us immediately by return e-mail.

CC: Microsoft ATR,
wtom@morganlewis.com@inetgw,dan@cata..

BEFORE THE UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA Plaintiff v
MICROSOFT CORPORATION,
Defendant

Civil Action No. 98–1232 (CKK) United
States District Court for the District of
Columbia

STATE OF NEW YORK ex rel. Attorney
General Eliot Spitzer, et al., Plaintiffs, v.
MICROSOFT CORPORATION,

Defendant

Civil Action No. 98–1233 (CKK)
United States District Court for the
District of Columbia

COMMENTS OF CATAVAUULT ON THE
REVISED PROPOSED FINAL JUDGMENT

INTEREST OF THE COMMENTER

Given that Microsoft's Net Passport is the heart of Windows XP, Microsofts new Operating System that was officially launched on October 25, 2001, Catavault, a software company addressing online identification and authentication, unfortunately finds itself in the cross-hairs of the most powerful software company in the world, since Microsoft has tied its .Net Passport to Windows XP. Pursuant to the Tunney Act, this document sets forth Catavault's comments on the Revised Proposed Final Judgment because we feel that competing products such as Catavault will still unfortunately be set at a disadvantage which is not related to price or quality. If the Revised Proposed Final

Judgement is accepted as is, the result will be a weakening of effective competition in the market, a reduction in consumer choice and less technological innovation, generally speaking and specifically to online identification and authentication.

Catavault has developed, commercially licensed and deployed patent pending software that is both complementary and competitive with Microsoft .Net Passport in online identity and authentication services. Although Microsoft's September 20, 2001 announcement that a future version of .Net Passport will be federated,¹ and thus may be interoperable with rivals' services, we believe this in no way alters the extremely serious concerns articulated herein. Moreover, in spite of the Revised Proposed Final Judgement announced between the United States Department of Justice, nine states Attorneys General and Microsoft Corporation, Catavault believes this in no way alters the extremely serious concerns articulated herein.

As such, Catavault has been encouraged that various states Attorneys General still have the resolve and resources necessary to continue the fight in ensuring conduct remedies that are timely, effective, certain and practical when it comes to curbing Microsoft's recidivistic behavior.

While these Tunney Act comments were prepared from the heart so to speak of the entrepreneurs managing Catavault, Catavault has been working to promote vigorous competition in computer industry platforms and gateways with our antitrust counselors from Morgan, Lewis and Bockius including Mr. Willard K. Tom based in Washington, DC and Mr. Julian M. Joshua based in Brussels.

CATAVAUULT OVERVIEW

Catavault is a pioneer in the online user identification and authentication space. Catavault's technology powers the “All Access Pass to the Internet,” and it allows users to access more than 3,500 sites ranging from Amazon.com to ZDNet, a couple of orders of magnitude more than Microsofts .Net Passport currently enables access to, without the need to remember all of their authentication credentials for those sites. Unlike .Net Passport which is only accessible from a PC, Catavault is accessible from a PC, PDA, Mobile Phone and Set-top Box, so users can access their information from any device, at any time and from anywhere. CNN Headline News has called Catavault—“one site that can get you in everywhere...”

BusinessWeek has called Catavault, “An Open Sesame for the Whole Web.” Despite these arguably superior features of its services, Catavault is severely endangered by the steps Microsoft is taking to ensure that .Net Passport becomes the dominant occupant of the online identity and authentication space. Accordingly, Catavault is endangered by the Revised Proposed Final Judgement. The remedial principle is straightforward enough: the remedy should unfetter a market from anticompetitive conduct, . . . terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation and ensure that there

¹ See

remain no practices likely to result in monopolization in the future.² However, in spite of the overwhelming en banc victory on liability, the Revised Proposed Final Judgement does little to ensure that conduct remedies are timely, effective, certain and practical in curbing Microsoft's anti-competitive behavior.

NETWORK CHARACTERISTICS & MICROSOFT'S HAILSTORM STRATEGY

Microsoft fully recognizes that, because of the network characteristics of the industry, only subtle uses of its monopoly position are necessary in order to gain an unwarranted, but insuperable dominance in this field. Indeed, its choice of "HailStorm" as a metaphor speaks volumes. As you may know, with each updraft in the natural weather-related occurrence of a hail storm, hail stones get larger as more water molecules attach to the crystalline structures of the hail stones. Similarly, Microsoft makes its monopoly position more impregnable with every adjacent space it dominates. Each layer creates another multiple-level entry problem for potential competitors, as described in the United States Department of Justice's 1984 Merger Guidelines to which the United States Federal agencies still refer in non-horizontal matters. Figure 1 is a visual representation of the troubling processes that Catavault see at work with respect to a monopolist bundling its own applications to its dominant Operating System.

As reported in *The Wall Street Journal* on September 20, 2001, Microsoft changed the name of its HailStorm initiative to ".Net My Services"—possibly because they realized that its very name, HailStorm, has strong whiffs of antitrust violations.

One can argue that network effects require a lock-in mechanism. However, the traditional lock-in mechanism is access to complements. Some of the services offered by Catavault and .Net Passport require cooperation from third party Internet site(s). If .Net Passport has a much larger number of users, gained through the use of its operating system monopoly, then why would the sites want to work with Catavault? If the sites cease to work with Catavault, then why would users find Catavault attractive? These questions and their answers are paramount to understanding how market signaling and network effects work towards the monopolists' advantages when it ties its own applications to its dominant Operating System.

NETSCAPE—FRUITS OF MICROSOFT'S STATUTORY VIOLATIONS

Most harmful of all is the message that Microsoft's actions have conveyed to every enterprise with the potential to innovate in the computer industry. Through its conduct toward Netscape, IBM, Compaq, Intel and others, Microsoft has demonstrated that it will use its prodigious market power and immense profits to harm any firm that insists on pursuing initiatives that could intensify

competition against one of Microsoft's core products. Microsoft's past success in hurting such companies and stifling innovation deters investment in technologies and businesses that exhibit the potential to threaten Microsoft. The ultimate result is that some innovations that would truly benefit consumers never occur for the sole reason that they do not coincide with Microsoft's self-interest.³

Accordingly, When Microsoft destroyed Netscape as a potential rival platform, it did more than achieve dominance in browsers. It also prevented rival applications developers from playing Microsoft off against Netscape in the battle to ensure the survival of their applications programs and services. If Netscape and/or other browser/middleware platform software had as a serious competitor to Microsoft, competitive pressures would have forced one or more platforms to carry Catavault, because doing so would have provided a competitive advantage. The platform itself would have become more attractive if, through accessing Catavault, users were freed from cumbersome authentication procedures on a much larger number of sites. That competitive pressure is now gone. Thus, Catavault's current predicament flows directly from Microsoft's earlier unlawful acts against Netscape.

MARKET EXPECTATIONS STIFLE INNOVATION AND COMPETITION

Moreover, the very public humbling of an 85 percent market share player like Netscape in itself creates market expectations that where Microsoft announces an intention to dominate a strategic space, it will succeed in doing so. .Net Passport occupies a strategic space as the on-ramp to the Internet as illustrated in Figure 2, and Microsoft has been quite public about that fact as has been reported in articles in *The Industry Standard*.⁴ Consequently, merchants, investors and other marketplace participants become highly resistant to dealing with Microsoft's competitors in such spaces. For example, Benjamin D. Black, a principal of the Rosewood Venture Group, a U.S. venture capital firm in San Francisco, California has stated, "I still won't invest in companies that are directly in front of Microsoft's development path."⁵ And Stewart Alsop, a general partner of New Enterprise Associates, a Silicon Valley venture capital firm in the U.S., has been quoted as saying, "The most common question for potential investors is: 'What about Windows XP?' You can still compete but if Microsoft bundles it in Windows it makes it much more difficult for any kind of innovation that is in Microsoft's path."⁶ Thus, in this sense, too, Microsoft's earlier unlawful acts against Netscape directly cuts Catavault off from access to important complements.

To that end, one could argue that the competition is ultimately not for the end-user, but for the online service providers who actually pay for online identity and authentication services. Signing up 200 million Hotmail accounts gives Microsoft a huge critical mass of users, but what does it do to get third party sites to work with .Net Passport? To answer this effectively, one must understand that having so many users signals to the marketplace that Microsoft will dominate online identity and authentication services. Moreover, these third party businesses are motivated to work with Microsoft based on the marketing support that Microsoft can provide them—thus creating value propositions from Microsoft's monopoly position. If third party businesses believe that Microsoft will also succeed in using its Operating System monopoly to push Catavault and/or others aside in terms of subscribers or utilities, then third party firms will not have an incentive to work with Catavault. As former United States Deputy Assistant Attorney General Carl Shapiro has described in his writings, expectations play a very large role in network markets.⁷

MAKING .NET PASSPORT THE DE FACTO IDENTITY SERVICE IN WINDOWS XP

Microsoft has taken a number of steps to ensure, and to make consumers believe, that having a .Net Passport account is necessary in order to access features of Windows XP and/or other Microsoft goods and services. Indeed, the press, encouraged by Microsoft, has come to the conclusion that Microsoft .Net Passport "will be the exclusive identity service on the new Windows XP operating system. Any XP user who wishes to access key services such as Windows Messenger (for Instant Messaging) will have to register for a Passport."⁸

Microsoft has not achieved its claimed 2000 million .Net Passport subscribers by offering a superior service. (Competitive market research indicates that .Net Passport is currently accepted by only about 35–70 sites, most of which are owned by Microsoft, have received substantial Microsoft investment or partnered with Microsoft in some sort of business arrangement.) Instead, it has done so by these kinds of suggestions of inevitability and by automatically opening .Net Passport accounts for all Hotmail and MSN users, and even hinting at future integration and potential incompatibilities. Thus, in published reports regarding .Net Passport 2.0, it is stated, "...with this release, Hotmail will move to the Passport code base for easier integration."⁹

Catavault experienced this directly in early September 2001 when a Catavault employee tried to access the latest release candidate of XP. First, he learned that one could not get the latest preview of XP online without a .Net

³ Judge Thomas Penfield Jackson's Finding of Fact, 412th and final paragraph, November 5, 1999.

⁴ <http://www.thestandard.com/article/0,1902,27686,00.html>.

⁵ *The New York Times*, September 7, 2001, Competitors See a Giant That is Now Largely Unfettered, by Michael Brick.

⁶ *The New York Times*, September 7, 2001, Pendulum Swings to Microsoft, But the Degree Remains Unclear, by Steve Lohr.

⁷ Speech by Carl Shapiro, Deputy Assistant Attorney General, Antitrust Division, United States Department of Justice. American Law Institute and American Bar Association, "Antitrust/Intellectual Property Claims in High Technology Markets," San Francisco, California, January 25, 1996.

⁸ Source: <http://www.thestandard.com/article/0,1902,27685,00.html>, attached.

⁹ Source: <http://www.wininformant.com/Articles/Index.cfm?ArticleID=22174>, attached.

² *United States v. Microsoft Corp.*, slip op. at 99–100, No. 00–5212 (DC Cir. June 28, 2001), quoting *Ford Motor Corp v. United States*, 405 U.S. 562, 577 (1972); *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 250 (1968).

Passport account.¹⁰ Then, after downloading that version of XP and rebooting, he got a blank desktop, but in the system tray in the bottom right, a message popped up that said: "Add your .NET Passport to Windows XP! You've just connected to the Internet. You need a Passport to use Windows XP Internet communications features (such as instant messaging, voice chat, and video), and to access .NET-enabled services on the Internet. Click here to set up your Passport now."

When he clicked, it went to the .NET Passport Wizard to let him sign up for Passport. Thus, whether or not there are actual incompatibilities, Microsoft has been representing to users that they must sign up for .Net Passport in order to access key XP features or other Microsoft services. In a network business, that may be all Microsoft needs to maintain and extend its dominance to this space as well. These network characteristics undoubtedly underlie some of the "vaporware" aspects of Microsoft's dramatic announcements but slow rollout. We have already mentioned how small the number of third party sites accepting .Net Passport is. In the same vein, ZDNet has reported that American Express has yet to sign a contract with Microsoft for HailStorm services. This despite the fact that Microsoft touted American Express as a partner at the very announcement of the HailStorm initiative, by featuring American Express Chief Information Officer in that announcement.¹¹

PROPOSED CONDUCT REMEDIES TO CURB ANTI-COMPETITIVE PRACTICES

If there is no efficiency justification for Microsoft's tactics such as bundling and/or market signaling, they may be acts of monopolization in themselves. But regardless of whether they are or not, the current situation flows directly from Microsoft's earlier unlawful acts against Netscape. While one can never know with certainty exactly what that but-for world would have been had Netscape survived, it was reasonably certain that, for some significant period of time, there would have been a competitive struggle between Microsoft and Netscape as alternative nuclei around which other providers of applications and services would coalesce. Both would seek to commoditize the other's space. If Netscape gained the upper hand, multiple operating systems would become available to computer users. If Microsoft gained the upper hand, multiple browsers would become available. Consequently, any remedy for those earlier acts needs to include some kind of mandated intra-system competition to take the place of the competition that would have existed between the two systems to add attractive applications through a Ballot Screen with choices for online identity and authentication services such as CataVault.

We have given a great deal of thought to what order language would be needed to implement the concept of a Ballot Screen. Following is the rationale and the result can be found in Figure 3 with the language

marked as to revisions. It uses Microsoft's inclusion of middleware products in its operating system software as the benchmark for what types of products should be included, with the slight modification that it remedies the continuing effects of past inclusions as well as remedying the effects of future inclusions. As you will see, there is a provision for approval by some entity, corresponding to Commission approval in the AOL Time Warner order, in order to ensure that the competing products are serious competitors to Microsoft. In the case of online identity and authentication, the seriousness of the competition can be measured by the number of sites, users, and devices accessed by the competitor. These metrics could be written into the order if desired, but in any event the existence of available metrics would ensure that the entity charged with approval would have an objective way of exercising that discretion. As you will also see, when we reviewed Judge Jackson's order, we concluded that online identity and authentication service software would fit comfortably into the definition of "middleware," but for the avoidance of doubt, we included it specifically in the list of examples. In addition to offering services via communications interfaces as now occurs, it is entirely possible that in the future, programmers of sites or of programs used to build sites will write software built upon a CataVault platform. We have also given further thought to the Department of Justice's observation that a possible standard for relief is that it should be aimed at opening the operating system market to competition. After reflection, we believe that our proposed Ballot Screen relief does in fact further that goal, but that such a standard is nonetheless wrong, in spite of that standard appearing in the Department of Justice's September 6, 2001 press release.

The relief we propose does further the goal of operating system competition, because allowing Microsoft to use its operating system monopoly to obtain a dominant position in the authentication gateway to the Internet will mean the creation of yet another applications barrier to entry, because it will be extremely difficult to police the ways in which Passport could be used to favor Windows if a credible threat to Windows arose.

There is, however, a more fundamental issue: the proper standard must be to restore the competitive conditions that would have existed but for the illegal conduct. It is, of course, too late to revive Netscape as a credible threat to Microsoft's operating system monopoly. One approach might be, as the Department of Justice once proposed, to find in Microsoft's applications software—particularly its dominant Office suite—a sufficiently dangerous competitive threat to the operating system monopoly. As in the competition between Microsoft and Netscape in the but-for world, the point of that remedy was not to assure ultimate, long-term competition in operating systems. The operating system company might win the competitive struggle, and ultimately maintain its monopoly position through lawful means. The point of the remedy was the competitive

struggle itself. That remedy was imperfect, as are all the alternatives. But for better or worse, it is now off the table.

Whatever replaces it, the goal should not be to assure ultimate, long-term competition in operating systems. The but-for world did not do so. Microsoft might well have won the competitive struggle, and maintained its monopoly. The point of the Netscape threat to the operating system monopoly was that Microsoft had to compete with better products and prices, and in the meantime the rest of the computer industry would be vigorously competitive and innovative, and might nurture the next threat to the surviving monopolist. It is the strangling of that dynamic from which the market must be unfettered, and it is Microsoft's freedom from that dynamic that constitutes the "fruits of its statutory violation." At this point in the evolution of the computer industry, after Microsoft's misconduct, it might well be a hopeless task to restore competition in operating systems.

It is not too late, however, to restore the competitive dynamic that ensured that, while Microsoft battles its chief rivals in the most strategic battleground at any given time, innovators in the next strategic space could play one against the other in order to survive. At the moment, the inter-system competition that Netscape represented is gone, and the Department of Justice is no longer seeking to have competition from Microsoft Office take its place. Thus, the temporary stopgap by which the next strategic space can develop must be intra-system competition, or "must-carry." That will revive some of the competitive dynamic that Microsoft has cut off, and allow competition to flourish in—and on the other side of—those gateways. Ergo, just as Microsoft agreed to change its digital imaging features to give users easier access to digital imaging software from a number of providers such as Kodak, not just those affiliated with Microsoft, so there needs to be a requirement that Microsoft incorporate CataVault (and other online identity and authentication services that may arise) into XP as a complementary and competitive service. Thus, doing some kind of a "Ballot Screen" for consumers to select which online identity and authentication service they would like may be as close as one can get to the competitive landscape that would have existed but for Microsoft's already adjudicated unlawful conduct.

In addition, of course, one would need to prohibit Microsoft from introducing incompatibilities, to forbid Microsoft from making use of .Net Passport as a prerequisite to use other Microsoft goods and services, and so forth. Otherwise, the need to sign up with .Net Passport to get the XP preview is likely to continue to be the typical pattern for accessing anything that Microsoft can control or influence.

MICROSOFT'S FEDERATED ANNOUNCEMENT & INTERNET TRUST NETWORK -ITS EFFECTS AND RELATION TO FEAR, UNCERTAINTY & DOUBT

A "Ballot Screen" remedy would be far superior to waiting to see how Microsoft's latest federated announcement plays out. As the Department of Justice well knows, a "fear, uncertainty and doubt" strategy relies

¹⁰ Source: <http://www.microsoft.com/windowsxp/preview/systemreq.asp>.

¹¹ <http://www.zdnet.com/zdnn/stories/news/0.4586.5096385.00.html>.

heavily on the passage of time and the uncertainty of the future. (This is undoubtedly why Microsoft has been making every effort to delay judicial and legislative proceedings in the United States.) As of January 28, 2002, Catavault has neither been invited to any Microsoft developers conference yet, nor has it learned of any developers conference yet, albeit Catavault has informed Microsoft about its potential willingness to participate in the conference. Additionally, XP has already been launched with an aggressive marketing campaign and with .Net Passport as the exclusive online identity and authentication service. .Net Passport will have a huge user base that will undoubtedly get larger between now and the time that any Microsoft federation conference or any competitive and/or complementary solution such as the Liberty Alliance initiated by Sun Microsystems produces any tangible results in the marketplace. The agenda of the federated conference and other like it such as the Liberty Alliance may be to develop standards for implementation of online user identification and authentication services, and in the case of Microsoft's Internet Trust Network, built upon a technology platform of Microsoft's choosing, regardless of consumer preferences. Following that developers conference, there may be a long period of back-and-forth over technical standards. Next may come a period in which Microsoft sows uncertainty about the extent to which other services are fully interoperable, perhaps because of peculiarities in Microsoft's implementation of the common standard. During all that time, .Net Passport will become more and more entrenched, regardless of consumers preferences as to the features and scope of competing online user identification and authentication services. Industry pundits used to subscribe to the notion that first mover advantage was the most important mission of many new technology ventures. However, based on present market conditions, we argue that it has nothing to do with first mover advantage anymore; rather it has everything to do with the concept of last man standing. Accordingly with over US \$36 billion in cash reserves on hand, Microsoft is well positioned to be the last man standing in many industries including online identity and authentication.

PROBLEMS WITH THE REVISED PROPOSED FINAL JUDGEMENT

While there are many troubling issues with the Revised Proposed Final Judgement, two of the more salient problems for the online identity and authentication sector involve the following terms and provisions:

ó OEMs—The fact is that Original Equipment Manufacturers (OEMs) are a sub-optimal source to serve as an adequate check and balance on Microsoft's anti-competitive actions. For example, the provisions that allow OEMs to have greater freedom to select which software to use and not to use do absolutely nothing to protect consumer choice and technological innovation.

Thus, providing the OEMs greater freedom as a conduct remedy against Microsoft is meaningless today given consolidation in the PC industry, slumping PC sales, depressed PC margins, and the fact that the OEMs do

not want to bite the hand that feeds them—Microsoft.

Moreover, the OEMs know very well that small companies such as Catavault cannot afford to compete against Microsoft, both in terms of operations and marketing. Case in point, Windows XP launched on time because Microsoft lobbied that XP would help revive slumping PC sales, and Microsoft is spending approximately US \$250 million just on marketing for XP. As such, OEMs do not necessarily want to bet on smaller players which find themselves in the cross-hairs of Microsoft—thus consumer choice and technological innovation are still harmed.

AUTHENTICATION LOOPHOLE—The following provision from the proposed settlement seems to be the veritable loophole large enough to drive a truck through, particularly affecting Catavault and other online identity and authentication services.

J. No provision of this Final Judgment shall:

1. Require Microsoft to document, disclose or license to third parties: (a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria; or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

¹² Identification and authentication is singled out for a loophole to free Microsofts. Net Passport from scrutiny and permit Microsoft to bind a universal identification and authentication service utility to its monopoly operating system without scrutiny under the Revised Proposed Final Judgement. By permitting Microsoft to withhold key parts of encryption, digital rights management, authentication, and other security protocols, the Revised Proposed Final Judgement effectively clears the way for the desktop monopolist to the Web-services monopolist in a distributed computing environment. The Revised Proposed Final Judgement could hardly try to place a clearer stamp of approval on an expansion of the scope of an illegally maintained monopoly.

CONCLUSION

The Revised Proposed Final Judgement agreed to by the United States Department of Justice, the Attorneys General of nine states and Microsoft Corporation does not attain its goals of curbing Microsoft's recidivistic behavior in maintaining and extending its operating system monopoly into Web-services such as online identification and authentication, which Microsoft has bet will be the next gateway to the Internet. Specifically, the Revised Proposed Final Judgement does not provide adequate incentives across constituent bodies and penalties for Microsoft to ensure that the Revised Proposed Final Judgement goals are attained. Moreover, the lenient conduct remedies imposed on Microsoft are

essentially a slap on the wrist for its illegal conduct and anti-competitive practices. Unfortunately, technological innovation and consumer choice will continue to be harmed, and this will be exacerbated in challenging economic conditions if the Revised Proposed Final Judgement is accepted as is. As such, the Revised Proposed Final Judgement needs to be revised significantly if it is to have any real impact in the marketplace in curbing Microsoft's recidivistic behavior. Specifically, as it pertains to the heart of Windows XP and Microsoft's goal of dominating online identification and authentication with .Net Passport, we believe quite passionately that implementing a Ballot Screen for users to choose which identification and authentication service that they would like would go a long way to providing a conduct remedy that was more timely, effective and certain.

Figure 1

The world of operating systems becomes more homogenous over time. Today something like 85 percent of the computers on the planet run the same operating system [Microsoft's]. There is sort of a positive feedback cycle here. If you get more applications, it gets more popular, if it gets more popular, it gets more applications.

—Bill Gates keynote address, Conference on Internet and Society at Harvard in May 1996; World War 3.0 by Ken Auletta.

On June 28, 2001, the District of Columbia Court of Appeals unanimously held that Microsoft engaged in unlawful monopolization. Notwithstanding Judge Jackson's ruling and the appellate ruling, Microsoft prominently announced its major corporate initiative called HailStorm in March 2001; the very choice of HailStorm as a name serves as a metaphor for a positive feedback cycle in Bill Gates opinion or network effects and increasing returns in an antitrust perspective.

The heart of HailStorm is based on .Net Passport, Microsoft's proprietary online identification and authentication service. This market signaling transcends into Microsoft's strategy and tactics to gain market advantage in new sectors using .Net Passport. .Net Passport is the exclusive online identification and authentication service on Windows XP. Accordingly, .Net Passport will be the de facto online identification and authentication service which will limit consumer choice and undermine innovation. As reported in The Wall Street Journal on September 20, 2001, Microsoft changed the name of HailStorm to ".Net My Services"—possibly because they realize that its very name—HailStorm—has strong whiffs of antitrust violations.

Note: In its natural weather-related occurrence, hail stones are large frozen raindrops produced by intense thunderstorms. As the frozen drops fall, liquid water freezes onto them forming ice pellets that continue to grow as more and more droplets accumulate. Upon reaching the bottom of the cloud [symbolic for the Internet], some of the ice pellets are carried by the updraft back up to the top of the cloud. As the ice pellets once again fall through the cloud, another layer of ice is

¹² <http://www.usdoj.gov/atr/cases/f9400/9462.htm>

added and the hail stones grow even larger. Typically the stronger the updraft, the more times hail stones repeat this cycle and consequently, the larger the hail stones grow. Once the hail stones become too heavy to be supported by the updraft, they fall out of the cloud toward the surface. The hail stones reach the ground as ice since they are not in the warm air below the thunderstorm long enough to melt before reaching the ground.

And as one knows, you should take cover from a hail storm...

Figure 2

Microsoft's .Net Passport online identification & authentication technology controls the gateway to all applications in Windows XP Windows XP

It's our goal to have virtually everybody who uses the Internet to have one of these Passport connections—Bill Gates Source: The Industry Standard—July 3, 2001 <http://www.thestandard.com/article/0,1902,27685,00.html>

While digital photography, instant messaging and streaming media all are very important issues to constituents such as Kodak, AOL Time Warner and Real Networks respectively, the backbone to Microsoft's HailStorm (renamed .Net My Services) initiative and full utilization of Windows XP is the Microsoft .Net Passport identification and authentication service. Microsoft has stated that .Net Passport will be the exclusive Internet identity service on Windows XP, and Passport will be required to utilize some or all of the features noted above.

Thus, even if competition in those areas is assured, Microsoft will still hold the real keys to access and conceivably will be able to use its .Net Passport monopoly to direct traffic away from competing digital photography, instant messaging and streaming media applications.

Instant Messaging

Digital Imaging Streaming Media

Microsoft's .Net Passport

Identification & Authentication

Technology

Microsoft Office XP

Internet Explorer

Figure 3 Proposed Order (Marked with changes) 3g. Restriction on Binding Including Middleware Products toin Operating System Products. Microsoft shall not, in any Operating System Product distributed six or more months after the effective date of this Final Judgment, Bind include any Middleware Product toin a Windows Operating System unless:

i. that Operating System also includes at least two (2) comparable Middleware Products offered by non-affiliated firms approved by the [Antitrust Division] [Department of Justice] [Court] [Trustee] or Microsoft demonstrates to the satisfaction of [————] that fewer than two such products exist, in which case Microsoft shall include all that exist. The option of using such non-affiliated products shall be displayed to the user on terms no less favorable than those accorded to the Microsoft products.

ii. Microsoft also offers an otherwise identical version of that Operating System Product in which all means of End-User Access to thatthose Middleware Products can

readily be removed (a) by OEMs as part of standard OEM pre-installation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop.; and

iii. when an OEM removes End-User Access to a Microsoft Middleware Product from any Personal Computer on which Windows is preinstalled, the royalty paid by that OEM for that copy of Windows is reduced in an amount not less than the product of the otherwise applicable royalty and the ratio of the number of amount in bytes of binary code of (a) the Middleware Product as distributed separately from a Windows Operating System Product to (b) the applicable version of Windows.

3g. Middleware Products Included in Previously Distributed Operating System Products. If Microsoft has, in any Operating System Product distributed less than six months after the effective date of this Final Judgment, included any Middleware Product in a Windows Operating System, it shall within six months after the effective date of this Final Judgment:

i. release a version of its most recent Operating System that includes at least two (2) comparable Middleware Products offered by non-affiliated firms approved by the [Antitrust Division] [Department of Justice] [Court] [Trustee], unless Microsoft demonstrates to the satisfaction of [————] that fewer than two such products exist, in which case Microsoft shall include all that exist. The option of using such non-affiliated products shall be displayed to the user on terms no less favorable than those accorded to the Microsoft products.

ii. offer an otherwise identical version of that Operating System Product in which all means of End-User Access to those Middleware Products can readily be removed (a) by OEMs as part of standard OEM preinstallation kits and (b) by end users using add-remove utilities readily accessible in the initial boot process and from the Windows desktop.

7q. Middleware means software that operates, directly or through other software, between an Operating System and another type of software (such as an application, a server Operating System, or a database management system, including such Operating Systems and database management systems on an Internet site) by offering services via APIs or Communications Interfaces to such other software, and could, if ported to or interoperable with multiple Operating Systems, enable software products written for that Middleware to be run on multiple Operating System Products. Examples of Middleware within the meaning of this Final Judgment include Internet browsers, online identity and authentication service software, e-mail client software, multimedia viewing software, Office, and the Java Virtual Machine. Examples of software that are not Middleware within the meaning of this Final Judgment are disk compression and memory management.

r. Middleware Product means

i. Internet browsers, e-mail client software, multimedia viewing software, instant messaging software, online identity and

authentication service software, and voice recognition software, or

ii. software distributed by Microsoft that ù

(1) is, or has in the applicable preceding year been, distributed separately from an Operating System Product in the retail channel or through Internet access providers, Internet content providers, ISVs or OEMs, and (2) provides functionality similar to that provided by Middleware offered by a competitor to Microsoft.

MTC-00033651

From: Thomas Tully

Date: 1/28/02 3:43pm

Subject: Microsoft Case

file:///L:\ff7371 Remedy\Paralegals/

TULLY.HTM

January 28, 2002<?xml:namespace prefix = o

ns = "urn:schemas-microsoft-com:office:office"/>

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street, NW

Suite 1200

Washington, DC 20530-0001

To Whom It May Concern:

I hope that you will reconsider the decision to settle the United States Department of Justice antitrust lawsuit against Microsoft Corporation. American consumers may have been overcharged \$20 billion by the Microsoft monopoly. Your agreement with Bill Gates' company does nothing to rectify past sins by this company or protect against future gauging.

As you know, at least ten consumer groups disagree with your agreement to settle. Microsoft has little incentive to change any of its practices. Their concessions of handing over some operating systems code and offering manufacturers some sovereignty over Media Player amounts to little more than a light slap on the wrists for a multi-billion dollar company.

I am proud that my state's Attorney General, Tom Miller, rejected this Microsoft agreement. I believe that Mr. Miller and the other eight state attorneys general see the many loopholes and problems with enforcement that does little to affect change in the computer software industry. Splitting Microsoft into two or three companies may not be the proper response, but neither is this. Your decision to prematurely end litigation against Microsoft is a mistake. The agreement offers no real incentive to stop monopolistic, anti-trust efforts. It won't help much smaller companies compete and it doesn't serve the American consumer. Please continue to go after Microsoft. It is a duty of the Justice Department to protect the average citizen from companies that have grown too large and too powerful by questionable business practices.

Sincerely,

Thomas P. Tully

318 51st Street

Des Moines, Iowa 50312

CC: Iowa Attorney General

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MTC-00033652

From: Bob Grasmick

To: Ms. Renata Hesse
 Date: 1/28/02 3:52pm
 Subject: Microsoft Settlement
 Bob Grasmick
 3239 Monte Vista
 Torrington, Wy 82240
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufactures, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have

taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
 Bob Grasmick

MTC-00033653

From: Leo Caissie
 To: Ms. Renata Hesse
 Date: 1/28/02 3:54pm
 Subject: Microsoft Settlement
 Leo Caissie
 524 Main Street
 Hudson, MA 01749-2909
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

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Sincerely,
 Leo A.Caissie

MTC-00033654

From: ROBERT PIOLI
 To: Ms. Renata Hesse
 Date: 1/28/02 4:07pm
 Subject: Microsoft Settlement
 ROBERT PIOLI
 102 LYNN AVE
 MARIETTA, OH 45750
 January 28, 2002
 Ms. Renata Hesse
 U.S. Department of Justice, Antitrust Division
 601 D Street NW, Suite 1200
 Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
ROBERT L. PIOLI

MTC-00033655

From: wendell starr
To: Renata B. Hesse
Date: 1/28/02 4:11pm
Subject: Microsoft settlement
To: Renatta B. Hesse Antitrust Division
U.S. Dept. of Justice
Washington, DC

Dear Sir,

The antitrust case against Microsoft was unfortunate. But it shows that Microsoft is willing to work with its competitors to create an equal playing field. Future mishaps are unlikely to occur with a Three-Person Technical Committee. Additionally, I understand that Microsoft will share code with its competitors which will allow them to place their own programs on the operating system.

As a recent retiree, I know that the job market is extremely volatile, and competition tends to create jobs. However, this settlement will allow Microsoft to refocus its direction in business and new technology with a renewal of the vigor which it has well demonstrated which will also create new jobs.

With the information technology industry in a slump, this settlement provides a dose of medicine to a slowing economy; which should help revitalize other IT companies across the country.

Best regards

Wendell T. Starr

Associate Editor of Transactions of the IEEE (my hobby)

850 Webster St., Apt. 507
Palo Alto, CA 94301

MTC-00033656

From: Todd Christensen

To: Ms. Renata B. Heese
Date: 1/28/02 2:11pm
Subject: Microsoft Settlement (Support)

Dear Ms. Heese:

I am writing in support of the recent settlement of the long-running antitrust lawsuit between the U.S. Department of Justice, state attorneys general and Microsoft Corporation. Though I applaud the nine state attorneys general that decided to follow the federal government's lead and settle the case, I am thoroughly disappointed that remaining state attorneys general and the District of Columbia have decided to further pursue this baseless case.

The settlement is fair to all. It will allow Microsoft's competitors to use Microsoft's Windows operating system to incorporate their software programs and will give consumers more services and products to choose from.

As you are well aware, members of Citizens for a Sound Economy have been unrelenting in our opposition to the federal government's antitrust case against Microsoft. For nearly 3 years, activists like myself have called, emailed, visited, and sent letters to the U.S. Department of Justice and to state attorneys' general offices explaining that Microsoft's actions did not harm consumers, but provided them with great benefits by lowering the cost and increasing the availability of software products. We have stressed that Microsoft is a pioneer in the high-technology market and that their products increased our familiarity with the Internet. Once again, I thank you for your decision to settle this unfortunate lawsuit against a successful and innovative company.

Respectfully,
Todd Christensen
500 Chamber Way
Chehalis, WA 98532-2200
CC: Citizens for a Sound Economy

MTC-00033657

From: Sharyn Robbins
To: Ms. Renata Hesse
Date: 1/28/02 2:16pm
Subject: Microsoft Settlement
Sharyn Robbins
9123 219th PL NE
Redmond, WA 98053-2239
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to

move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement.

This case was supposedly brought on behalf of American consumers, although I, as well as most of my friends, was against this lawsuit from the start. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Sharyn Robbins

MTC-00033658

From: Oscar Garcia
To: Ms. Renata Hesse
Date: 1/28/02 2:28pm
Subject: Microsoft Settlement
Oscar Garcia
1212 Susan Lane Apt. 168
Fort Worth, TX 76120
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S.

v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Oscar Garcia

MTC-00033659

From: Jon H. Clayton
To: Ms. Renata Hesse
Date: 1/28/02 2:31pm

Subject: Microsoft Settlement
Jon H. Clayton
174 Woodland Ct.
Wetumpka, AL 36093-2211
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever,

the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jon H. Clayton

MTC-00033660

From: Robert Lanzner
To: Ms. Renata Hesse
Date: 1/28/02 2:31pm
Subject: Microsoft Settlement
Robert Lanzner
6471 West 83rd Street
Los Angeles, CA 90045-2885
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:
I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Robert A. Lanzner

MTC-00033661

From: Glen Johnston
To: Ms. Renata Hesse
Date: 1/28/02 2:34pm
Subject: Microsoft Settlement
Glen Johnston
25 Buttercup Loop
Belton, TX 76513
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Glen E. Johnston

MTC-00033662

From: Dewey Howard
To: Ms. Renata Hesse
Date: 1/28/02 2:34pm
Subject: Microsoft Settlement
Dewey Howard
915 Flat Rock Rd
Sparta, TN 38583
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Dewey Howard

MTC-00033663

From: James Feighny
To: Ms. Renata Hesse
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement
James Feighny
252 Wyanoke Dr
San Antonio, TX 78209
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
James Feighny

MTC-00033664

From: Richard Travis
To: Ms. Renata Hesse
Date: 1/28/02 2:37pm
Subject: Microsoft Settlement
Richard Travis
5449 Vanderbilt Road
Old Hickory, TN 37138-1131
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of

this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Richard E. Travis

MTC-00033665

From: Jerry Rea
To: Ms. Renata Hesse
Date: 1/28/02 2:55pm
Subject: Microsoft Settlement
Jerry Rea
P. O. Box 934

New Smyrna Beach, FL 32170-0934
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in

the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Jerry and Norma Rea

MTC-00033666

From: F. David Marschka
To: Ms. Renata Hesse
Date: 1/28/02 2:01pm
Subject: Microsoft Settlement
F. David Marschka
1862 Amity Drive
Lancaster, PA 17601-6234
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
F. David Marschka

MTC-00033667

From: george adams
To: Ms. Renata Hesse
Date: 1/28/02 1:45pm
Subject: Microsoft Settlement
george adams
707 market st
cheraw, sc 29520
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
George E. Adams

MTC-00033668

From: Glenn Dobson
To: Ms. Renata Hesse
Date: 1/28/02 1:46pm
Subject: Microsoft Settlement
Glenn Dobson
2203 Palmersville Hwy-89
Dresden, TN 38225
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
Glenn Dobson

MTC-00033669

From: Judith Huston
To: Ms. Renata Hesse
Date: 1/28/02 2:03pm
Subject: Microsoft Settlement
Judith Huston
34800 Cadiz-Piedmont Rd.
Cadiz, OH 43907
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or

years from now when all appeals from continuing the litigation would finally be exhausted. The terms of the settlement offer a fair resolution for all sides of this case: the DOJ, the states, Microsoft, competitors, consumers and taxpayers. Microsoft will not be broken up and will be able to continue to innovate and provide new software and products. Software developers and Internet service providers (ISPs), including competitors, will have unprecedented access to Microsoft's programming language and thus will be able to make Microsoft programs compatible with their own.

Competitors also benefit from the provision that frees up computer manufacturers to disable or uninstall any Microsoft application or element of an operating system and install other programs. In addition, Microsoft cannot retaliate against computer manufacturers, ISPs, or other software developers for using products developed by Microsoft competitors. Plus, in an unprecedented enforcement clause, a Technical Committee will work out of Microsoft's headquarters for the next five years, at the company's expense, and monitor Microsoft's behavior and compliance with the settlement.

Most importantly, this settlement is fair to the computer users and consumers of America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Judith L. Huston

MTC-00033670

From: Karen Shirey
To: Department of Justice
Date: 1/28/02 1:45pm
Subject: Message From a Concerned Citizen
Dear Department of Justice:

I support Microsoft their right of freedom to innovate. I have used computers and different programs since 1985 and have always preferred Microsoft systems and products. Had any of the other companies that are now trying to sue Microsoft produced better programs, they would have been ahead of Microsoft due to public demand. Using politics and trying to force a company out of business due to greed and jealousy is NOT going to make their product any better, nor make anyone choose it over Microsoft.

Sincerely,
Karen Shirey
1430 Grandview
Hanover, PA 17331-9542

MTC-00033671

From: Kristin Hopkins
To: Ms. Renata Hesse
Date: 1/28/02 1:53pm
Subject: Microsoft Settlement
Kristin Hopkins
4 Cormorant Circle
Durham, NH 03824
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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This case was supposedly brought on behalf of American consumers. We have paid

the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Kristin E. Hopkins

MTC-00033672

From: Mark Moghab
To: Ms. Renata Hesse
Date: 1/28/02 1:47pm
Subject: Microsoft Settlement
Mark Moghab
56 New York Ave
Congers, NY 10920
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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America, on whose behalf the lawsuit was allegedly filed. Consumers will be able to select a variety of pre-installed software on their computers. It will also be easier to substitute competitors' products after purchase as well. The Judgment even covers issues and software that were not part of the original lawsuit, such as Windows XP, which will have to be modified to comply with the settlement. This case was supposedly brought on behalf of American consumers. We have paid the price of litigation through our taxes. Our investment portfolios have taken a hard hit during this battle, and now more than ever, the country needs the economic stability this settlement can provide. This settlement is in the public interest, and I urge the DOJ to submit the revised proposed Final Judgment to the U.S. District Court without change.

Sincerely,
Mark Moghab

MTC-00033673

From: Paul Thutt
To: US DOJ
Date: 1/27/02 6:00pm
Subject: Comment on Microsoft AntiTrust case

Subject: Microsoft Settlement

Require that Microsoft publish its file formats prior to the release of any upgrades to their product or the release of any new product. This will protect the consumer without hindering Microsoft's innovation or its pursuit of new markets. While I am certainly no fan of Microsoft and its business practices, breaking them up is not a solution. Require that there be no "active content" in the file format. ("Active Content" is software embedded in the document file.) This would have two beneficial effects.

1. Elimination of insertion of computer viruses into another system via a document file.

2. No way for Microsoft to force usage of their software in order to make use of the document.

With the file formats published, competing products will be able to read and write the consumer's data files. The primary reason that Microsoft is in a monopoly position is because business and individuals must be able to share documents. Most businesses use Microsoft Office products and thus the document is in Microsoft's proprietary file format. Other businesses and individuals must purchase the Microsoft product in order to be able to work as a team.

Documents are the property of the business and individuals that produced them, and not of the manufacturer of the software used to save the document in a file. Empower the consumer by publishing the file formats. Perhaps, the IEEE standards for computer interfaces, floating point format, and networking protocols are good models. With competitor's products able to read, modify and write the shared files, individual preference for features and price will determine what products are purchased. The consumer benefits from the choice. Analogies are:

- In automobiles, fuels are standard. Gearshift patterns are standard. Pedal placement is standard.

- In computers, the PCI bus is a published standard created by Intel but released to the public and many vendors produce chip sets and interface cards to that standard.

- In networking, 802.11b is a published standard for wireless networking. There are many vendors for wireless networking equipment.

Thank you for the opportunity to comment.
Paul M. Thutt
22495 NW Phillips Road
Hillsboro, OR 97124
pthutt@compuserve.com

MTC-00033674

From: Ralph Askam
To: Ms. Renata Hesse
Date: 1/23/02 7:15am
Subject: Microsoft Settlement
Ralph Askam
4120 Nobhill Dr.
Muskegon, MI 49441
January 23, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest.

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Sincerely,
Ralph F. Askam M. D.

MTC-00033675

From: Robert Brown
To: Ms. Renata Hesse
Date: 1/28/02 1:51pm
Subject: Microsoft Settlement
Robert Brown
1062 U. S. route 2
Rumford, ME 04276
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530

Ms. Hesse:

I would like to express my support for the revised proposed Final Judgment in the U.S. v. Microsoft case. This lengthy litigation has cost my fellow taxpayers and me more than \$35 million, and after reviewing the terms of this Judgment, final approval is clearly in the public interest. Perhaps of greatest benefit to the American people, the Department of Justice (DOJ) and the settling states will avoid additional costs and now be able to focus their time and resources on matters of far greater national significance: the war against terrorism, including homeland security. As noted by District Court Judge Colleen Kollar-Kotelly, who pushed for a settlement after the attacks of September 11, it is vital for the country to move on from this lawsuit. The parties worked extremely hard to reach this agreement, which has the benefit of taking effect immediately rather than months or years from now when all appeals from continuing the litigation would finally be exhausted.

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Sincerely,
R. C. Brown

MTC-00033677

From: Stephen Scavott
To: Ms. Renata Hesse
Date: 1/28/02 1:40pm
Subject: Microsoft Settlement
Stephen Scavott
158 Dovecote Lane
Central Islip, ny 11722
January 28, 2002
Ms. Renata Hesse
U.S. Department of Justice, Antitrust Division
601 D Street NW, Suite 1200
Washington, DC 20530
Ms. Hesse:

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Sincerely,
Stephen M. Scavott

MTC-00033678

From: Casey Keller
To: Microsoft ATR
Date: 1/28/02 1:45pm
Subject: Microsoft Settlement

To the Honorable Department of Justice—
It is as a student, a technician, and an end-user that I wish to add my comments as per the Tunney Act concerning the settlement proposed by the corporation in question, Microsoft.

Before I begin individually laying out my reasons for my views, I must first denounce the proposed settlement as a mockery of justice, the institution of the courts, the welfare of the consumer, and the sensibility of the media and the general public. We speak of punishment of criminals yet we are prepared to enact a double standards of rewards for crimes of business.

The practice of the Microsoft Corporation has been established as a violation of antitrust laws. From the packaging of the Internet Explorer web browser with its operating system, fully integrate it with the

operating system of Windows to its current methods of furthering the hold on the software industry with Microsoft Office, Windows Media Player, built-in firewall for XP, .NET system, and the coupling of Microsoft Network with Windows XP, or its suit over the Windows names. This case began in 1995 and now in 2002 we are willing to settle with a turn of our backs.

I could list piece-by-piece what I view as theft by this Giant. I could easily attempt to make my case that Microsoft has not produced, in general, a product solely of its own without building it or modeling it from a product of another company. Whether it is the windowing system concept (Macintosh), DOS (Caldera), Start Menu (Apple), Terminal Services (Symantec's pcAnywhere / AT&T Virtual Network Computing), firewall and multiple logins (unix, Linux iptables/ipchains). I could sit and justify the vantage that the richest man in the United States built his fortune upon the backs of stolen ideas. A criminal never brought to trial.

As a student, I am disheartened to see the movements in the university systems to be Microsoft-centric. Database classes are taught with Access, programs are to be written with Visual Basic/C++/J++, web design is taught via Frontpage, and the operating system of choice for labs is Microsoft Windows. At what cost? If you are to look at the per-seat licensing of Microsoft we are spending fortunes on software at the cost of a broad education. We learn by the bloated non-standards and hope that we can push in the real world. We fail to learn systems outside the deal.

As a technician for an internet service provider, I am forced to witness first hand the limiting force of a monopoly. When a call comes in the first generalized question that comes to the client is, "What version of Windows are you running?", followed by "What version of Internet Explorer are you running?". Common issues are virii, tcp/ip stack failures, win modem initialization strings, corrupt executables of Windows components. Because Internet Explorer is intergrated with the Windows operating system, the user interface is slower, if Internet Explorer blows up you lose the stability of your system, and users are unable to regress to a previous version or remove the faulty component. Security is negligible, the mail system is a petri dish for virii, and the networking leaves much to be desired. On a day-to-day basis, I have to deal with problems of Windows "forgetting" settings and devices or perpetuating unneeded data in the way of networking addresses. Hardware compatibility is greatly reduced as it as modems are software based ("winmodems"). Internet access setup is hindered by the persistence of MSN (The Microsoft Network) in terms of web browsing, messaging, dial-up networking, and communications compatibility.

As an end-user, I cannot help but to feel that I have been violated. I used in-house networking to share information between my laptop, my sister's computer, and my home system. My laptop is an Apple Powerbook running Mac OS X, my desktop is Redhat Linux 7.2, and my sister's machine is Windows 2000 Professional. I have had to

run numerous security updates on Windows 2000 and its predecessor Windows 98. XP, which I had test ran has holes in security large enough to sail the US Navy through. Non-Microsoft programs are "crash-prone" by the operating system. I cannot help to feel that as a consumer I the Warranty of Mercantibility failed to apply to Microsoft products. I deal with file sharing compatibilities with SMB RPC calls. I feel cheated. The cost is high-rate robbery. In an industry where compatibility is a necessity, Microsoft continues to violate standards in security, networking, programming. Its movement to control the wealth of the industry has damaged the industry and the economy of the United States of America. We cannot pretend that keeping the ingredients in one pantry allows every one to taste the pie. Unemployment, job cuts, and damages are left in the wake of postponed action.

The proposed settlement is not a punitive settlement, but an extension in guise that fails to be in the best interests of justice, consumers, and the general populace. The "donation" of monopoly software to an area where the monopoly is not in existence is the furtherment of the monopoly. It is the allowing of Park Place and Boardwalk with hotels to reap Community Chest.

On the other hand, I agree with the proposed settlement of Redhat. Let Microsoft purchase the equipment, let another software vendor provide the software. Software that is not terms limited, user agreement stipulated, bug-ridden, security questionable, and compatibility hell. I would further like to propose the removal of Internet Explorer and Media Player from current and future versions of the Windows OS along with the shutdown of the Microsoft Network. Do not allow one trust for another another. Anything short of this would be unfair when you look at the settlement that prevent AT&T from developing Unix and establishing its lead role in the computer industry.

I apologize that my statements here are more brief than I had intended and may not be as clear and concise as I feel that is needed to set a better light on this blite.

However, in closing I wish to ask that the Department of Justice act as a doctor and treat this case as curable form of the AIDS retrovirus. Medicate it. Prevent it from injecting and taking over new cells. Prevent it from disabling the guards against it. I also wish to ask the Department of Justice to act as a strong Prime Minister. Do not do an appease. Europe settled to give Hitler one victory, but found that one eventually equated to many. Politics and history often meet with business to form one. Apply it.

Sincerely,
Casey W. Keller h: 828.438.8543
1255 Mountain Glen Circle 828.438.1550
Morganton, North Carolina 28655 c:
828.443.0515
United States of America e:
cwk@worldhuman.org

MTC-00033679

From: Rufus Polson
To: Microsoft ATR
Date: 1/22/02 9:37am
Subject: Proposed Microsoft Settlement
Dear Officers of Justice,

I should note before beginning that I am Canadian, and as such lack standing in a United States proceeding. But it has been suggested to me that it would, nonetheless, not be improper to submit a respectfully phrased opinion, and I have serious concerns about this matter.

My first worry about the proposed settlement is that it cannot be enforced. The only penalty for noncompliance with the settlement, as I understand it, is that the settlement may be extended for two years. But how much effect can this have? Surely a company failing to comply with a settlement would have little trouble continuing for two more years to fail to comply. The history of Microsoft's behaviour suggests that failing to comply with a settlement is within the scope of their normal actions; the likelihood of this happening must be taken into account in any settlement, with noncompliance penalties on a scale sufficient to create strong disincentive even to such a massive entity.

My second is the lack of any penalty. In a country in which the criminal law strongly endorses retribution and deterrence as principles of justice, and in which corporations are legal entities with much of the rights and standing of persons, it seems appropriate to keep in mind the principles that are routinely applied to persons when dealing with corporate lawbreaking. This is the more true for corporations such as Microsoft in which the direction is so clearly set by a very few individuals, whose fortunes and identities are wrapped up closely in the corporation. In short, Microsoft as a corporation is guilty of a serious crime—this has been established. Microsoft as a corporation should be seen to be penalized, so that other corporations and their administrations realize that illegal monopolist tactics will not cause their companies to prosper.

My third is the weakness of much of the language, such that many things which the settlement appears on the surface to prohibit are in fact not prohibited in any serious way, whereas it seems that others still can be twisted in such a manner as to actually legitimize practises that would not normally be considered acceptable. Many other submissions, as I understand it, have gone into detail on these issues. I will not spend words describing them yet again.

Another problem is the inspectors. Their powers are unclear, and should be strongly specified. The selection process seems inappropriate—why should Microsoft have a voice in selecting their watchdog? It is like letting a drug dealer vote on his parole officer. In addition, it seems as if they are to be paid by Microsoft—this is another damper on independence. It seems more reasonable that Microsoft should disburse a sum immediately, sufficient for their payment for the entire duration of the settlement, and the Department of Justice should pay them out of that sum.

Finally, the settlement seems of marginal impact even in its intent. Even if one were to ensure that it was complied with, clean up ambiguities in language so that the compliance reflects what some of the broader statements indicate to be the intent, and

empower inspection sufficiently well to verify compliance, the results seem unlikely to curb Microsoft's anti-competitive behaviour to any great extent. Rather, it seems likely that Microsoft will be forced to curtail a few fringe practises, leaving the general pattern untouched and perhaps pushing them to intensify new anti-competitive practises in areas such as the internet and encryption, where they might take advantage of such laws as the DMCA to use proprietary encryption schemes and claim any attempt to interoperate with their encrypted files to be illegal.

In short, the proposed settlement is flabby and overspecific even in its intent—no tiger capable of reigning such a massive organization, but a tabby cat. Its actual wording makes it a paper tabby. Let us not forget that this is a corporation with such contempt for the administration of justice that they presented falsified evidence to the trial court (their so-called demonstration of Windows 98 running slower without Internet Explorer, which was a mockup fabricated for the sole purpose of deceiving the court—an action which would have surely left any ordinary defendant facing additional charges for perjury and/or contempt of court); how likely is it that they will comply with any judicial decision one micron farther than they are absolutely compelled to? How likely is it, in fact, that any settlement without a major structural component will impact Microsoft's practises in any significant way? In the absence of structural remedies, it is at least essential that any settlement present a comprehensive catalogue of practises which are absolutely barred, presented in ironclad language, with massive, immediate penalties for deviation. And if this case is to deter others from similar practises and, in general, pass the message that antitrust law remains alive in the United States, it should involve a substantial penalty for past anticompetitive actions.

Respectfully yours,
Rufus Polson

MTC-00033680

From: Walter Shultz
To: Microsoft ATR
Date: 1/23/02 6:48am
Subject: Microsoft Settlement

There are many factors which render the proposed final judgement both ineffective and incomplete. One argument which bears the burden of many industry concerns is that of Dan Kegel's open letter to the DOJ (<http://www.kegel.com/remedy/letter.html>). This references his essay on the topic which can be found at (<http://www.kegel.com/remedy/remedy2.html>). These documents are well written and contain much information overlooked by the drafters of the PFJ. I have asked that my name be added to the open letter. Even these points do not complete the argument against Microsoft's monopolistic activities. It is evident that the drafters of the judgement have not been educated to a sufficient understanding of the enormous technical details which comprise the history of Microsoft's monopoly. These are, of course, too many to be discussed in a brief email. Please however consider the following:

* Microsoft's policy of trademarking common industry terms (such as 'windows', 'office', 'access', etc.) To the end of excluding competitors' use of standard terms in the names of their products. 'Windows' for example is a name in use by the 'X Windows' system for the Unix world before 'Microsoft Windows' came to market.

* Microsoft's habit/policy of modifying standard programming languages (to optimize them for the Microsoft Windows platform) and passing them off as the original standards.

This is demonstrated in the development of 'Microsoft Visual C++' (a 'version' of the C++ programming language for 'Microsoft Windows') and J++ (a 'version' of Sun

Microsystems' Java programming language. Since the suit with Sun, Microsoft has begun calling their version 'Active X') Sadly, programmers who are educated using

Microsoft's non-standard language versions may have difficulty writing for any platform but 'Microsoft Windows' since these versions do not use standard development libraries. Thus the pool of development talent for competing operating systems is effectively decreased by flooding the market with these altered languages.

Thank you for your time. I wish you all the luck you will certainly need in effectively considering judgements in this case.

Sincerely,
Walter A. Shultz
Bethlehem, Pennsylvania
Electronics Technician
sanguine@fast.net

MTC-00033681

From: Tyler Janisch
To: Microsoft ATR
Date: 1/23/02 8:14am
Subject: Microsoft Settlement

I feel it is irresponsible and dangerous to allow Microsoft to exit the current proceedings with anything less than a hefty punishment for their anticompetitive practices (which have been extensively documented and proven throughout the current and previous cases—I'll not re-write them here).

I believe adequate punishment should be commensurate with the benefits afforded Microsoft by their own misdeeds. Microsoft has grown to their current size by their business practices over the last two decades (an obvious statement)... some practices well within the law, many not. The anticompetitive practices have, many times, led to the destruction of a competing business, giving Microsoft that much more market/power/momentum. On and on to present day and their present size/control/dominance.

I propose a return to prior 'breakup' considerations. With near-total desktop market share and dominant server market share, plus near-total market share for office productivity software and a dominant hold on server and back-end software—adding to that a recently-obtained ~80% hold on the web browser market (with that, exhibiting their usual 'practices' to generate a general Net/Web dependence on their technologies), I feel that they should, at the least, be split into independent businesses focused on:

Operating Systems, Applications, Network Technologies.

It is obvious that any monetary punishment cannot be effective, short of fining them tens of billions of dollars (and even then, their market momentum may make that amount insignificant, in a very short time). Earlier considerations led to a "make them donate to schools" proposal. That has, thankfully, been thrown out and any similar resolution proposal should be discarded as well; any market Microsoft is 'forced' to donate to will simply become another domination for Microsoft. Please consider Microsoft's future with utmost care. It may seem rather dramatic to say, but is no less true: the world's future rides on your decision.

MTC-00033682

From: scj@marcsys.com
To: Microsoft ATR
Date: 1/27/02 6:41am
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement. Others, more eloquent than I, will detail the reasons why this proposal will not restore competition in the marketplace or provide sufficient cause for Microsoft to change their monopolistic behavior. As a software professional with over twenty years experience and whose undergraduate course of study was in computer science, I have watched as Microsoft has continually impeded innovative developments. Microsoft follows a fairly consistent plan:

(1) Ignore the innovation (e.g., web browser, disk compression, java, etc.) until it can no longer be ignored. Then,

(2) Respond to the innovation by saying that it is without merit. When this is insufficient to keep the innovation from the market,

(3) Either buy the developer of the innovation or "partner" with them. "Partner"ing allows Microsoft the time to develop the software in-house. Once the in-house version is ready, Microsoft will ruthlessly "bundle" it into their offering at "no additional cost" thereby destroying the market for the original developer. Finally,

(4) Claim the innovation was due to Microsoft in the first place.

For the good of the consumer, market, industry, and country this anti-competitive and monopolistic behavior must stop. Based on the the past behavior of Microsoft, with respect to previous Department of Justice actions, there is nothing which suggests that Microsoft will follow the spirit, or even the letter, of the current proposed settlement. They have consistently flaunted the law and have treated any cost or enforcement action as a normal "cost of doing business." Without any meaningful competition they can do this with impunity.

I would encourage the Department to re-evaluate this far too lenient settlement and devise a solution which, even in the face of determined Microsoft attempts at circumvention, will help restore competition and innovation to the marketplace.

Sincerely,
Steven C. Johnson \ scj at marcsys period com

13906 Flint Rock Road

Rockville, Maryland 20853-2649 U.S.A.

MTC-00033683

From: jremy-doj@law.uoregon.edu@inetgw
To: Microsoft ATR
Date: 1/28/02 11:36pm
Subject: Microsoft Settlement
To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

There are several significant failures of the proposed settlement. I will limit my comments to one specific problem.

I believe Microsoft should give \$1 billion in cash to help schools, instead of software and some money. This would seem to only hurt Microsoft's competitors in the education market as it is difficult to compete with free software. A far better settlement might be for Microsoft to give their proposed \$1 billion—in cash—to an independent foundation, which will provide our most needy schools with the computer technology of their choice.

Thank you for the opportunity to share my opinion about this very important decision.

Sincerely,
Jeremy Zane
Network Administrator
University of Oregon School of Law

MTC-00033684

From: Marc Brenner
To: Microsoft ATR
Date: 1/27/02 11:43pm
Subject: Fw: Microsoft Settlement revised
letter with address and phone #
— Original Message —

From: Marc Brenner
To: microsoft.atr@usdoj.gov
Sent: Sunday, January 27, 2002 11:28 PM
Subject: Microsoft Settlement

I and my family feel that the proposed settlement will not benefit the public interest. Microsoft should be forced to open its applications to other platforms, so that software and hardware from other vendors will run without crashing with Microsoft products and so that other platforms can develop and integrate with Microsoft applications.

The court should hold public proceedings under the Tunney Act to give all parties the abilities to participate in settlement.

Thank you for your consideration.
Marc Brenner
835 Topper Lane
Lafayette, CA 94549 Ph: 925 283 3408

MTC-00033685

From: Michael James Langford
To: Microsoft ATR
Date: 1/25/02 8:56am
Subject: Simple to implemement remedys.

Dear Sirs,

Microsoft clearly has maintained a monopoly via unlawful means. They do not deserve the public's trust, as they do not have our best interest in mind.

Most behavioral or structural remedies are too hard to effectively enforce on an adaptable company such as Microsoft. So instead affect a policy change for the Federal Government through careful restrictions on Microsoft.

Switch the entire federal government over from MS office and mail products to other

companies products like Sun Microsystem's StarOffice products. Use an open file format, such as Rich Text, Html, or Latex as the standard for documents. Word documents can be easily changed over to these types through its SaveAs command, and this process can be automated through simple programs most programmers could write in a couple hours.

This sounds like an expensive switch over. Have Microsoft pay for the manpower to switch over all agencies. Make them split the cost of any new licenses 50%/50%.

To make this switch within the power of the court, you would have to phrase the judgement in a way similar to: ———

All licenses granted to the federal government of Microsoft Office 95, Office 97, Office 2000, and Office XP are hereby revoked. (The contracts cancelled).

A new 5 year license is given in lieu of the old license of each copy of that software.

Microsoft may not issue new licenses to the government for any Non-Operating System product. Microsoft may not bundle any office productivity software into its Operating Systems. This is in effect for the next 10 years.

Microsoft will pay all labor costs associated with switching to new office products, as well as 50% of the cost of all replacement software.

Any state or municipal governments may also have these same terms if they request it.

This seems to be an easy to enforce and equitable judgement that can be levied against Microsoft as a punishment, and does not cost any party but Microsoft an undue expense, while still being fair to Microsoft.

The only party remaining to be dealt with is the OEM's who have been forced into licensing contracts with Microsoft. To remedy that situation, allow any of them to cancel their contracts with Microsoft at any time in the next 5 years, and enforce a single PUBLISHED price for all OEM software purchases of Microsoft software. Allow compulsory licencing to at that price to any OEM that wants it.

Thank you for your time.
Yours truly,
Michael Langford

MTC-00033686

From: Mike Foley
To: Microsoft ATR
Date: 1/24/02 8:29pm
Subject: Microsoft Settlement
Hello Judge,

I'm am writing this message to convey my opinion on the Microsoft settlement.

I feel that Microsoft is guilty of the charges brought by the government. I am greatly disappointed at the settlement. I read it the day it was released and quite frankly, I was appalled. And then to read a few weeks later, Microsoft's proposed settlement in civil suits where Microsoft would give computers and software to the education market told me that Microsoft has not learned. The proposed settlement would have devastated Apple Computer's lead in the education market! I used to work for Digital Equipment Corporation. I "heard stories", many first hand, of the practices Microsoft used to great effect against DEC. Stories of "acquired"

technologies, of Mr. Gates asking that competing technologies be cancelled, of Microsoft not pushing DEC's Alpha chip. Yes, they are "stories". Many were settled in out of court settlements so that we'll never know the final truth, but they are indicative of business practices practiced by a monopoly.

To fairly settle this court action, I propose the following: (Not limited to these, just some things I believe should be addressed).

Open standards of document formats. Microsoft Office is the standard. Allow other companies to compete on form and function and innovation.

A business practices oversight committee that has real power to keep Microsoft in check. Microsoft should have no say in who would be on this committee.

Limit Microsoft's expansion into media. They have MSN, MSNBC, etc.. I don't want to watch "All Microsoft, All the time".

People who don't know better will see Microsoft on TV and on their computer and be "locked in". How does someone compete fairly when everything says "Microsoft"?? If anything needs to be split from the main company, it's the media portion. It is truly scary.

Mandate government use of alternatives to Microsoft products. There's no good reason for the government to be feeding a monopoly. There are excellent operating systems out there. (Linux, OpenVMS, HP UX, etc..)

Mandate to Microsoft that the government will only use open standard formats for things like documents and programming, and networking interfaces. Microsoft must stop practicing "embrace and extend" where they take an open standard, add their extensions, and lock out others. In conclusion, I would hope that the court will ensure that Microsoft does not walk away from this with an slap on the wrist and a virtual "ok" to continue its predatory practices.

I thank you for your time and your patience in reading this message.
mike
mike@yelof.com
<http://www.yelof.com>

MTC-00033687

From: The Amazing Llama
To: Microsoft ATR
Date: 12/8/02 2:37am
Subject: Microsoft Settlement
To whom it may concern,

It is my belief, as a computer hobbyist and programmer and as a citizen of California, that the Microsoft AntiTrust case will not do anything to:

(a) remedy the situation that Microsoft has put the computer industry into
(b) punish Microsoft for its illegal actions, of which it has been convicted.

The proposal does not even attempt to do either of these things. Instead, it scolds the company for its bad deeds and politely asks them not to do it again. If it does not comply with this, it will be asked again to stop.

I am left to wonder if this would ever stop anyone from doing anything that they wanted to be doing—and Microsoft has proved again and again that what it wants to do is control the computer industry by any means

necessary. The proposal needs to make Microsoft pay for their actions, and they need to be punished for the results.

If Microsoft were a person (which is what a corporation models), they would be fined and jailed for these actions. This sort of idea, extended to a corporate level, would therefore make simple sense. Fine the company (and base the fine on the amount of money they make, and remember that that is a whole lot of money). Then put restrictions on them so that they cannot repeat their actions. If they do repeat their actions, BREAK UP THE COMPANY. Or at the very least force them to open source Windows. These are the only two—let me repeat that—the ONLY two threats that Microsoft is afraid of. There is no fine that they will not recoup, no apology they cannot falsify, no time limit they will not lay low for. They will, as they have shown time and time again, revert to business as usual: bully everyone else with the power that you hold by owning Office and Windows.

Remember that this case came to court largely because Microsoft flaunted the 1995 court decision that essentially did what the new proposal will do again: shake a stern finger at them, give them a tongue-lashing, and send them on the way after they have promised not to do it again. Remember that Microsoft made that promise six years ago, and making it again now will be no more binding, and Microsoft will pay even less attention to it, because they have more power and more markets than they did then.

The fact you would give them as much power as you have in the proposal stages is evidence of their power: the only way that Microsoft could get a more comfortable punishment would be if they were forced to give their excess software away into a market that they did not control, such as education (which you probably know is their proposed solution to their current antitrust case with the private companies suing them).

This is evidenced by the utter uselessness of the proposal, and by the amount of control Microsoft has of the execution of the "punishments" laid out within it. For instance, that they can decide what parties to give out documentation and help to is merely giving them another weapon, and making that weapon sacrosanct in the process, because it is not a "weapon" that they are using to their advantage but a "punishment" that they must follow. Also, the fact that they are given a say at all in the council of three that oversees them is imbecilic. A man put in jail does not get to choose his jailmates or his prison guards, and Microsoft should not either.

Incidentally, Steve Satchell would be a great choice for the committee. He has a good amount of experience in consumer software, hardware, and OS design. He is further elevated by his lack of ties to other companies in the industry who would possibly gain by his actions. Perhaps what angers me most about the current proposal is that it is being done "to help the computer industry in these times of economic turmoil," which can be translated from PR-speech to English as "to make people buy Windows XP, which will make them buy lots of new computers, which will boost the computer

industry." This is a short-sighted remedy to a deep-seated problem. People buying computers now will keep everyone in the industry afloat, but it will be best for Microsoft, who makes money off of each computer sold. Worse, the short-sighted remedy only buries the problem deeper: it strengthens every company's dependence on Microsoft, both in fact and in mindset. Essentially, you are sending the message that without Microsoft, the economy is doomed. And that is to say that without someone flagrantly breaking the law, the economy cannot survive. And that is not a message that you should be sending. Microsoft has broken the law. Remember that. This is a fact that has been proven in court twice, and the supreme court decided that it was not worth their time to hear the arguments, because there is little chance that the 12 highest judges in our great country would find the facts any less factual: real companies have really been hurt by Microsoft, and they have lost real profits. -Seth A. Roby <sroby at westmont dot edu>

MTC-00033688

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I want to offer my support for the settlement with Microsoft, which is to be finalized at the end of the month. Although the case against Microsoft seemed to have merit, Microsoft appears to be the victim of having not contributed to the right political campaign at the right time. A break-up of Microsoft would lead to more questions and further undermine the economy, so a compromise is in the interest of everyone.

Efforts at breaking up Microsoft are far beyond what is necessary to encourage more competition in the software industry. To the lay person, it would seem that the government is out to get big corporations, like in the tobacco industry, in order to reap a financial whirlwind. The remedial steps Microsoft has agreed to have in some cases surpassed the government's complaints, so in the interest of fair play, it is time to end further litigation. As a result of constant monitoring by a committee of software experts, as agreed to in the settlement, the terms would appear to be verifiable and an effective tool to allow more players to thrive in the software market. Please allow common sense to prevail and this extremely valuable piece of the American economy to stay intact.

Thank you for your attention.

Sincerely,
Kenneth Sweeney

MTC-00033689

Santa Barbara Industrial Association
www.sbia.org
2141 Victoria Street, Santa Barbara, CA
93101 . Tel 805-965-9415
Fax 964-7915 . e-mail: info@sbia.org
January 24, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Support the settlement agreement and end the Microsoft lawsuit. The Microsoft lawsuit has already wasted over \$40 million of taxpayers money. Even worse, this misguided lawsuit, which was filed in the name of preserving competition, will stifle innovation, hurt consumers and penalize success. Microsoft has been a model for a corporate success story and the pursuit of the American Dream. Over the past 10 years, Microsoft has lowered its prices, created a better product, and invested enormous sums of money in research and development. This doesn't sound like monopolistic behavior by any standard. The federal government should not reduce a company's incentive to innovate.

Government intervention into the world of high tech programming and design sets a dangerous and potentially disastrous precedent. Dictating to Microsoft what technology it can develop to increase the effectiveness of existing products or meet the rapidly expanding needs of users could cripple the technological innovation that has been the hallmark of our high tech, internet economy.

The Microsoft lawsuit hurts consumers, rather than helps them. Rather than protecting consumers, drastic remedies such as breaking up Microsoft would be a disaster for consumers and businesses. The integration and standardization Windows brought us has been a boon for the public as well as for our economic productivity. What Bill Gates understood, much to his competitors' chagrin was the consumers—people who use computers, not live computers—want an affordable and reliable system that works with and understands other systems.

Government intervention into the world of high tech programming and design sets a dangerous and potentially disastrous precedent. Dictating to Microsoft what technology it can develop to increase the effectiveness of existing products or meet the rapidly expanding needs of users could cripple the technological innovation that has been the hallmark of our high tech, internet economy.

One could argue in fact that the genesis of the huge decline in the Nasdaq, which so far has resulted in more than \$2 trillion of lost wealth, primarily the result of the government's sustained attack on Microsoft's right to innovate. After all, today Microsoft, tomorrow Intel. Microsoft appears to be a Government target because of their success as a company. We used to reward success and innovation, rather than attack a company because of their success. Microsoft's success should be viewed as an asset, not a liability. The consumer has benefitted from Microsoft's success. The prospect of future benefits to the consumer should not be stifled by our own government. Similarly, other companies should not have to worry that their success could someday be threatened by heavy-handed government action, oppressive attorney fees and a legal action designed to harass, publicly smear and possibly even break apart the business. The message we must send is that success should be rewarded and not punished. We hope the consent

decreed is adopted and the federal lawsuit is dropped.

Sincerely,
Joe Armendarz
Executive Director
SB County Industrial Association

MTC-00033690

James F. Taylor, Jr.
302 Norma Circle
Greenville, TX 75402
December 9, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001
Subject: Microsoft Settlement

Dear Renata:

In response to the recent ruling regarding the Microsoft antitrust case, I would like to place my comments into the public record regarding the proposed settlement between the Department of Justice and Microsoft. I would like to address a few items that make the proposed settlement both ineffective and considerably flawed.

First, in regard to the proposed identification of who is and who is not eligible for disclosure of APIs by Microsoft, the exclusion of noncommercial entities from this remedy is both inadequate and will serve to further hamper free programs like Apache Web server and Sendmail. These programs are direct competitors of Microsoft's IIS and Exchange Servers, and they will not receive any API assistance that is guaranteed to commercial competitors.

Open Source products designated to allow free operating systems like OpenBSD an Linux to talk to Windows over networks would be irrevocably crushed by this loophole. Section III(j)(2), part (c) specifically hinders any free software from benefiting from Microsoft's published APIs by the language:

* * *(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,

Second, the remedy should address the incorporation of Microsoft products such as Internet Explorer and Windows Media Player without consent of the consumer during installation. It also should address the lack of an easy method to uninstall these programs should the consumer desire another 3rd party too to be used in place of the bundled applications. Microsoft is leveraging its OS monopoly against third party Vendors like Opera and MusicMatch jukebox by bundling Internet Explorer and Windows Media Player without an uninstall or a choice during installation. Microsoft should, as part of the remedy, be forced to allow these tools to be removed or at the very least be uninstalled by both OEMS and end users. It is a simple remedy that Microsoft could comply with the next version of Windows or with a service pack for current Windows users.

Third, the remedy does not go far enough to force the publication of APIs and other interoperable portions, such as document formats, of Windows itself. These protocols should be open and subject to review from

the entire industry. In addition, changes need to be decided not by Microsoft, who have proven time and again to cripple APIs to further their own programs at the expense of other third party programs. All of this was done without the consent of the user, and in most cases, was done without the user's knowledge as part of a "service pack" or other update to the program. All third party vendors of applications directly competing with Microsoft made their file formats and APIs known so the interoperability of their programs with Windows could be accomplished quickly. It is time for Microsoft to reciprocate without question or loophole.

Thank you for reading my comments, and I hope that these suggestions will be helpful in crafting a fair and equitable remedy that benefits not only the consumer, but Microsoft and its competitors. The computing landscape should not be as barren as it is today, with the ashes of hundreds of competitors to Microsoft crushed and broken by Microsoft's heavy-handed and illegal tactics. Despite Microsoft's claim to the contrary, these remedies will not stifle innovation, and they will not hinder Microsoft in any way other than to prevent it from leveraging its market share against its competitors. If these remedies are enacted and the loopholes closed, Microsoft will have to do what it has not had to do for a long time in the marketplace. They will have to compete on merit and innovation, rather than crushing its competition under the boot of their monopoly.

I appreciate your time and attention.

Sincerely,
James E. Taylor, Jr.
302 Norma Circ
Greenville, TX 75402

MTC-00033691

FROM :
Jul. 20 2001 05:50AM P2
FAX NO. :
Rockingham County Republican Party
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the former Assistant Legal Counsel for the North Carolina Republican Party, I have a strong interest in how our legal system interacts with business. While many people have various opinions on the merits of the Microsoft case, most reasonable people can agree that if both the Justice Department and Microsoft reached a settlement, then it's time to put the litigation behind us.

It is for this reason that I call on Judge Kollar Kotelly to approve the settlement between Microsoft and the federal government. It is important that we do not interfere with it at business unnecessarily at any level of government, state or federal. That is why since 1999, I have been greatly troubled by the federal government's attempt to bring about unprecedented harsh penalties against Microsoft. That's why, as a lawyer, I felt encouraged when I read of the landmark settlement. We've got to minimize further consumer harm by freeing up Microsoft to be

innovative, creative and cost-effective. I know that I rely on Microsoft computer operating systems on a regular basis, and I believe that they are the highest quality products available. These products will only improve with the closure of this legal matter.

Please let Judge Kollar-Kotelly that I strongly support the settlement, and I hope this balance of this proceeding will end soon. In that fashion, Microsoft can return to the business of innovation and developing new products. Also, government attorneys can get back to more pressing cases.

Thank you for your consideration of my comments.

Sincerely,
Matthew W. Smith
Vice Chairman
PO Box 528—Eden, NC 27289

MTC-00033692

FROM :
FAX NO. :
Jul. 20 2001 05: 51am p3
R. Lee Currie, Jr.
Former Executive Director
North Carolina Republican Party
104 Brookline Court—Clayton North Carolina
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street, NW Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the former Executive Director of the North Carolina Republican Party, I have a uniquely political perspective on why the suit against Microsoft was filed. In short Microsoft's competitors did not like the fact that Microsoft is the established leader in technological innovation in the United States, and used the legal system in an attempt to stop them from maintaining their market share.

This is not the first time this trick has been tried. Anyone remember the ill-fated USFL (United States Football League)? All was well until the NFL (National Football League) outclassed, outshined and outperformed the USFL in terms of market share. The next thing you know, the USFL files a federal antitrust suit against the NFL, claiming unfair business practices. It didn't work: the NFL is more popular than ever, and no one even remembers what the USFL acronym stands for. Anti-trust violation? No. Superior product? Yes. Sound familiar?

This time, Microsoft's competitors have taken the stakes to a whole new level by lobbying the federal government to drive a stake in the Microsoft's heart. The competitors' lawyers and lobbyists won't stop until they destroy their competitor. Again, Microsoft has the superior product, so their opponents wilt try to continue to play a game with the legal system until they get their way.

That is why I call on Judge Kollar Kotelly to approve the proposed settlement between Microsoft and the federal government. The case should be settled now. Let's not give Microsoft's competitors mow time to lobby, cajole and influence important decision makers that the settlement isn't in the government's interest, Let's close the chapter

of this unfortunate series of events by approving the settlement. Thank you for your consideration of my comments,

Sincerely,
Lee Currie

MTC-00033693

FROM :
FAX NO. :
Jul. 20 2001 05:45AM P2
North Carolina Federation of Republican Men

6706 Queen Anne's Drive
Raleigh, NC 27613
January 9, 2002

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

Dear Ms. Hesse,

As a small businessman who depends upon Microsoft for both my home and office computer, I am gratified that the federal government is now willing to settle its case against Microsoft. It is my sincere hope that Judge Kollar Kotelly will approve this settlement.

As State President of the North Carolina Federation of Republican Men, I represent many men, who, like me, lost money in my retirement account when tech stocks plummeted, an occurrence that is attributable to the suit against Microsoft. I'm relatively young, and didn't have a tremendous amount of money to lose. I feel sorry for those who lost more.

As a former Legislative Liaison of the North Carolina Automobile Dealers Association, I am all too aware that business can work in concert with, or in opposition to, government, I am aware of the tremendous cost to business that occurs when lawsuits are continually pursued. They drain resources and energy from employees that should be spent in other things. And lawsuits usually cost the taxpayers money. This one certainly has.

The reasons I have outlined are why I hope Judge Kollar Kotelly will accept the settlement and let all parties move forward. Thank you for your consideration of my comments.

Sincerely,
Dee Stewart
State President

MTC-00033694

Jul. 20 2001 05:45AM P3
FROM :
FAX NO. :
Rockingham County Republican Party
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

As the Chairman of the Rockingham County Republican Party, I am deeply concerned about the effect that prolonging the federal government's lawsuit against Microsoft would have on businesses in our community and other communities across

North Carolina. I want to request that Judge Kollar Kotelly approve the settlement that is pending.

The proposed settlement will be good for all parties. There is a perception that Microsoft's competitors played a role in trying to work against Microsoft's position with politicians and the media. We don't need more tug of war between these litigants. We need to accept the settlement and move forward. Because the economy is in poor condition, it is imperative that we put this matter behind us. Both the industry and the government attorneys need to focus on other matters, in my opinion. As Chairmen of the Rockingham County Republican Party, I am encouraging all of our members to support the settlement.

As inspect the components of the settlement, I believe it to be fair to both sides, with Microsoft guaranteeing certain provisions and the government getting enforcement provisions never before seen in an anti-trust settlement. I hope that Judge Kollar Kotelly approves this settlement.

Sincerely,
Phil Berger, Jr.
PO Box 528—Eden, NC 27289

MTC-00033695

FROM :
FAX NO. :
Jul. 20 2001 05:46AM P4
North Carolina Federation of Young Republicans

7465 Bluff Point Lane
Denver, NC 28037
January 9, 2002

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

Dear Ms. Hesse,

In addition to serving as Chairman of the North Carolina Federation of Young Republicans, I am also the co-owner of a small computer business, I use Microsoft products every day to enhance my productivity, as well as to improve the level of service I offer my customers.

I realize what a big difference that Microsoft has made in the working lives of millions of Americans. I have written numerous letters to North Carolina's Congressional delegation, requesting a quick and mutually beneficial settlement of the Microsoft suit. What small business owner wouldn't agree that the lawsuit filed by the federal government was quite harmful to the high-tech sector as well as the stock market.

As Chairman of the North Carolina Federation of Young Republicans, I call on Judge Kollar-Kotelly to approve the reasonable settlement which has been approved by the company, the federal government as well as nine of the states which had formerly sued Microsoft. American business needs to move forward.

Sincerely,
Jason Saine
State Chairman

MTC-00033696

FAX NO.:

Jul. 20 2001 05:39AM P2
REPRESENTATIVE
76TH DISTRICT
OFFICE ADDRESS:
TELEPHONE:
E-MAIL:
HOME ADDRESS:
TELEPHONE & FAX:
MICHAEL O. HARRINGTON
303 LEGISLATIVE BUILDING
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(919) 733-5823
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MICHAEL@NCLEG.NET
3324 LINCOLN LANE
GASTONIA, NC 28056
(704)853-8574
January 9, 2002

COMMITTEES:
APPROPRIATIONS
SUBCOMMITTEE ON INFORMATION
TECHNOLOGY

FINANCIAL INSTITUTIONS
SCIENCE & TECHNOLOGY
Ms. Renata Hesse
Trial Attorney—Antitrust Division
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

In addition to serving in the North Carolina House of Representatives from Gaston and Mecklenburg Counties, I am also a small businessman. In the state legislature I serve on the Science and Technology Committee and the Appropriations Subcommittee on Information Technology.

In those posts, I am one of the decision makers as to where the state of North Carolina is able to spend its money on technology. From that perspective and in my own business, I realize what a big difference Microsoft has made in the working lives of millions of Americans.

I have, in the past, been the author of articles concerning the Microsoft situation in which I take the position that the lawsuit filed by the federal government was unhealthy for the high-tech sector in particular but for business in general.

A major decline in Microsoft stock and in the shares of many high-tech companies happened the day following a breakdown in negotiations between Microsoft, the federal government, and the states' attorneys general who would not agree to a settlement. The pain inflicted on so many people's savings and stock accounts was mighty. Of course, the Microsoft incident was not the only reason for stock to go 'down, but it was one reason.

Ms. Renata Hesse
January 9, 2002

Today, I understand that Judge Kollar-Kotelly has a reasonable settlement that has been approved by the company, the federal government, as well as nine of the states which had formerly sued Microsoft, including New York.

I would heartily endorse this settlement and hope that the good judge would as well. All parties need to move forward.

Sincerely,
Michael O. Harrington
Representative Michael O. Harrington
District 76

North Carolina General Assembly
MOH:jal

MTC-00033697

John C. Comeau
2 Rita Lane
Littleton MA 01464
Trial Attorney Renata Hesse
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington DC 20530

I am a member of Americans for Technology Leadership, an organization of citizens, consumers, and high-tech professionals who are dedicated to minimizing unnecessary regulatory intrusion into the information technology industry. For this reason, I am writing to urge the court to accept the settlement reached in the antitrust case between Microsoft and the Justice Department lawyers. This case has been a tremendous drain on the creative energies of the technology world, and its settlement can only be a positive for the country as we deal with a lingering recession.

The information technology industry is dependent on the freedom to innovate that is essential for new products to come into being. The implications of the suggested remedies beyond those reached in the agreement are ominous. The high-tech sector cannot endure the added impediment of a stultifying new regulatory presence by the federal government. If the issue is serious wrongs on the part of Microsoft, then punish them and move on. If, however, the issue is creating a windfall for less successful competitors, then please don't punish the rest of us by imposing new sanctions, and regulatory hoops to jump through.

This country will be much better served if the Justice Department spends its time concerned with real threats to our safety and liberty, and if the companies involved in high-tech all got back to innovating rather than litigating. I ask that the Justice Department advocate this settlement to the judge, and in doing so serve the American people, and the nation's greater interests.

Respectfully,
John C. Comeau

MTC-00033698

January 16, 2002
Ms. Susan Johnson
11794 Rockaway Lane
Fairfax, VA 22030
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

Now that the federal government has finally settled its long antitrust case against Microsoft, I hope states still involved with the suit will do the same. It is time for consumers to come together and move the economy and our country in a positive direction—a forward and economically strong direction.

The settlement's provisions protect Microsoft's ability to continue to be innovative and, this hopefully, will revitalize competition and the technology industry for the betterment of us all. Consumers and

investors will reap the benefits of the settlement and this should help to get the engines running toward a healthy and proper economic stance.

Thank you for your consideration
Sincerely,
Susan N. Johnson

MTC-00033699

January 15, 2002
Ms. Susan Fujii
13859 Wakley Court
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse:

I was pleased to read that the federal government has finally settled its long antitrust case against Microsoft. I hope the other states still involved with the suit will do so as well. Now is not the time to waste taxpayer dollars on drawn out lawsuits. It is time for the government and the high tech industry to come together to rally our nation's economy.

If the settlement can provide a jump start to better economic indicators and rev up a once highly stimulating technology sector, than the government should not stand in the way. Our nation, more than ever, needs some positive news and a glimmer of hope for a positive future. I hope the Justice Department will do what it can to provide the citizens of this county that hope and encourage it to grow into ever increasing prosperity.

MTC-00033700

January 20, 2002
Mr. David Foreman
13859 Wakley Court
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200
Washington, D. C. 20530

Dear Ms. Hesse.

I was pleased to read that the federal government has finally settled its long antitrust case against Microsoft. I hope the other states still involved with the suit will do so as well. Now is not the time to waste taxpayer dollars on drawn out lawsuits. It is time for the government and the high tech industry to come together to rally our nation's economy.

If the settlement can provide a jump start to better economic indicators and rev up a once highly stimulating technology sector, than the government should not stand in the way. Our nation, more than ever, needs some positive news and a glimmer of hope for a positive future. I hope the Justice Department will do what it can to provide the citizens of this county that hope and encourage it to grow into ever increasing prosperity.

Regards,

MTC-00033701

January 16, 2002
Ms. Kathy Buckley
14701 St. Germain Drive
Centreville, VA 20121
Ms. Renata Hesse
Department of Justice
601 D Street, NW., Suite 1200

Washington, DC 20530

Dear Ms. Hesse:

As jobless rates and economic indicators continue to tell consumers that times are getting worse, I think Microsoft's settlement with the federal government could provide a beginning bright light. By settling the case, we could once again see the competitive prosperity of the 90's foster the necessary kick the economy needs to move in a positive direction. The high tech industry has been a driving force for our nation in recent years and if Microsoft's settlement revitalizes competition, than we should welcome this opportunity. This long drawn out case should be resolved once and for all, and the focus should be on lowering the jobless rate, increasing consumer confidence and strengthening our economy,

Best regards,

MTC-00033702

JAN-17-2002 02:49 AM P. 01
Jan-10-2002 08:28 From NEW HAMPSHIRE
HOUSE OF REPRESENTATIVES
16032716889 T-186 P.001/002
HOUSE OF REPRESENTATIVES
legislative Office Building, 33 North State
Street Concord, NW., 03301-6328,
TEL:(803)271-3317
TDD Access: Relay NH 1-800-733-2964
COMMITTEE ON MUNICIPAL AND
COUNTY GOVERNMENT

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

Dear Attorney Hesse,

I am writing to express support for the settlement proposed in the case of U.S. v. Microsoft.

Although I am not in the habit of submitting public comment in a case like this, I believe that the time has come to stop the persecution of this company, stop the needless spending of tax dollars, and allow this company to get back to business.

For many months now, the Federal government has pursued this company and threatened to break up its operations because of claims of its monopoly status. Finally, the parties have come to an agreement that is far reaching and address all the courts concerns. This agreement should be awarded with acceptance by the government.

Extraordinary amounts of money already been spent prosecuting this case. As a state representative, I work hard to make we that taxpayer dollars are spent wisely and believe the Federal government should do SO too. Many citizens of this country are out of work and are struggling to make ends meet, Americans are less concerned about the issues between computer companies and much more concerned about how they are going to provide for their families and their future& We should all take a lesson from this and end needless spending as quickly as possible.

Microsoft has been a a strong force in our economy and should be allowed to get back to the business of serving consumers. I hope you will approve this settlement as quickly as possible.

Thank you for the opportunity to comment in this important matter.

Sincerely,
Betsey Patten
State Representative, Carroll County,
District 9

MTC-00033703

David A Graham
401 Oak Avenue
Elizabeth, Pa.
15037-1631
January 14, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania
Avenue, NW
Washington, DC 20530-000

Dear Attorney General Ashcroft:

The Microsoft Anti Trust case settlement has been a long time coming. I am very glad to see that there is now a light at the end of the tunnel. However, I don't see how anyone can even debate the settlement's fairness. Microsoft is giving up a great deal to end this lawsuit, going so far as to give their competitors an unfair edge in the future.

I use Microsoft products both at work and at home. For years Microsoft has provided American consumers like me with superior products, creating innovative and compatible technologies useful in so many areas. Now, with the settlement Microsoft has pledged to share information, including the internal interfaces for its Windows operating system, with its competitors and make it easier for people to install non-Microsoft products in Windows.

The government has more important matters to deal with. It should not be intervening in the affairs of private companies. Please hold the settlement and allow Microsoft to move on with their business. Thank you.

Sincerely,
David A. Graham i I C/c Sen R Sanrorum
I

MTC-00033704

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington DC 20530
January 16, 2002

Dear Attorney Hesse,

Please allow me to add mine to the voices of citizens from across this country who believe that enough is enough with regards to the Microsoft "antitrust" case. By this point any casual observer can see that the consuming public stands to gain nothing by a protracted fight, and that only the dubious efforts of Microsoft's rivals have kept afloat any desperate attempt to skew the market to favor certain players. (And intrude government regulators where they are not needed at the same time.) Even the Justice Department has seen fit to reach an agreement to settle, and that is why I write: let's end this and move on.

I am the owner of an innovative start-up company myself, and I sympathize with Mr. Gates billionaire though he is, who seems to be targeted for his success. Although my business is not software related (and I have

no affiliation to Microsoft) I had the opportunity to tour the Redmond Microsoft campus a few years ago, and came away impressed by the incredible focus and dedication to excellence the Microsoft workers all seemed to have. Perhaps Oracle, Sun, AOL and the others would be better served to dump their lawyers, and hire some people who can mirror the Microsoft work ethic and passion for excellence.

Sincerely,
D P. Sweeney

MTC-00033705

Brian K. Wright
101 Taylor Street
Littleton, Massachusetts 01460
Renata HeSse Trial Attorney
Department of Justice
601 D Street NW., Suite 1200
Washington DC 20530

Dear Attorney Hesse,

It is my understanding that the justice Department is recommending a settlement agreement in the Microsoft case to Judge Kollar Kotelly that is amicable to both sides. I think that is a wise move for our country and the economy at this time.

I fully support the Justice Department enforcing the antitrust laws, and the pursuit of Microsoft if they were deemed to be in violation. However, if the federal lawyers believe that the settlement properly punishes Microsoft, as well as establishes measures to make sure it doesn't happen again, then isn't this sort of compromise what we should hope for? If the Microsoft rivals seek more remedies specific to their businesses then that is not the public interest being served. Crippling this major innovator and job producer shouldn't be anyone's goal.

I have the vantage point of being someone who has co-founded a national trade association in the high-tech field, as well as having served as an Assessor in a town with many high-tech businesses. I can state with confidence that what the economy needs now is a healthy Microsoft and its competitors all returning to the business of designing and selling software and systems. I hope this settlement helps to achieve that.

MTC-00033706

P. O. Box 2555, Woburn, Ma 01888-1055
781-933-8228 Fax 781-933-2091

I am a small businessman who would like to express my support for the proposal to end the case against Microsoft by settlement.

For three years the government has wasted millions of tax dollars trying to chase Microsoft, mostly because other companies have tried to get the government to do what they can't: beat them. This case has not served America well and may have given foreign companies a chance to get into American information industries. We need to show more unity in this country in ways, and ending this case would be a great symbol.

I appreciate the chance to speak out, and I understand the volume of mail you must have to go through. I hope my concerns, and those of others are brought before the Judge.. It's time to end the case against Microsoft.

Sincerely,
William J. Cavalucci
WJP Realty

MTC-00033707

North Java
4127 Route 98
PO Box 206
North Java, KY 14113
535-7313
Fax 535-7487
DAVE REISDORF, INC.
I6 Clinton St. PO Box 395 Batavia, NY 14021
Phone 343-4453 Fax 343-641 I Toll Free
(888) 255-0087

January 14, 2002
Warsaw
3758 S. Warsaw Rd.
Route 19
Warsaw, NY 14568
786-2560
Fax 786-3556
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Ms. Hesse,

We have been following with interest the government's extensive role in the Microsoft Antitrust Suit.

I am very pleased that a tentative settlement has been reached. The last thing our nation's economy needs is additional litigation that will lead to further regulation of the high-tech industry. Anti-trust laws were meant to protect consumers. It appears companies are using them to protect themselves from strong competition. Settlement in this case is in everyone's best interests. We the consumer's of the United States can certainly come up with better uses for the millions of dollars the government has spent to fight this case. Microsoft's innovation has led to lower prices for software and increased benefits for the consumer.

If antitrust law is in place to protect the consumer, where is your case? Please settle this and move-on. It is in the best interest of the government, the people and the economy.

Sincerely,
Dave Reisdorf, Inc.
Anthony L Peca, Jr.
Sales and Consumer Relations

MTC-00033708

JAN-12-2002 05:32AM
HOUSE OF REPRESENTATIVES
CONCORD, NH 03301-6328
TDD Access: Relay NH 1-800-735-2964
(603)271-3164
COMMITTEE ON FINANCE
January 8, 2002
Renata Hesse
Trial Attorney, Antitrust Division
Department of Justice
601 D Street NW., Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

It is my understanding that your office is now accepting public comment in the case of U.S. v. Microsoft. I write in support of that agreement.

This settlement is truly an achievement by both parties and should be approved quickly. I do not work in the technology field, but have done substantial research on this issue and believe that this case has gone on far too

long In addition to spending too many taxpayer dollars, the government has unfairly persecuted this company and it should end, now, The frustration of Microsoft's competitors is understandable but misplaced. They have the opportunity to offer products that would compete with Microsoft's, but have not had the innovation to do so. The proposed settlement will allow Microsoft's competitors and customers more freedoms and it will help them become more profitable. Further restrictions or controls placed on Microsoft by the government will not be beneficial but instead will force America to take a backseat to other nations in the field of technology. Spending millions of additional dollars in these proceedings is no longer necessary or appropriate. This is a time of national crisis, and we need to be cognizant of the economy and public spending. It is now imperative that we put more resources into defense and national security rather than on needless litigation against an innovative company.

Thank you for your time and consideration.

Rogers Johnson
State Representative

MTC-00033709

JAN-12-2002 05:32 AM

Jan 10-02 12:43a

Carlos Gonzalez

HOUSE OF REPRESENTATIVES

Office of the Speaker

January 9, 2002

Renata Hesse

Antitrust Division, Department of Justice

601 D Street, NW., Suite 1200

Washington, DC 20530

Dear Attorney Hesse;

I am writing this letter as a State Representative to express my support on behalf of a settlement that has been proposed in case of the United States v Microsoft. Finally an agreement has been reached in this case that has gone on for too long. It is an amazing achievement and I hope that you will award this by approving it as fast as possible. The federal government needs to focus its resources and time on more important matters facing our country not on litigating companies like Microsoft, etc. As a State Representative I work hard to make sure that the money the citizens taxpayers of New Hampshire give to State government is spent wisely and believe the same needs to be done nationally. It is my understanding Microsoft's competitors spurred this case. It has taken too long and it has gone too far spending taxpayer's dollars. However great their frustrations are when competing with the excellence of Microsoft's products, they should not be allowed to carry these legal proceedings on any longer.

The time has come to end this case and the needless expending of millions of taxpayers dollars. It is not longer necessary or appropriate. In this time of economic uncertainty. We need to be looking for ways to spend government money (taxpayers' dollars) more wisely,

In conclusion, I am asking that you please approve this settlement between the United States v Microsoft. Thank you for your public service.

Sincerely,
Carlos Gonzalez
State Representative
Hillsborough County, District 48
Manchester, NH 03102
State House, Concord, New Hampshire
051101-4988, Telephone: (603) 271-5661,
Fax: (803), 271-3809
TDD Access: Relay NH 1-800-736-8964

MTC-00033710

January 14, 2002

Renata Hesse

Trial Attorney, Antitrust Division

Department of Justice

601 D Street, NW., Suite 1200

Washington, DC 20530

Dear Ms. Hesse:

I am writing to urge you to support the proposed settlement of the antitrust lawsuit against Microsoft. While I believe that many of the allegations raised by the lawsuit against Microsoft may have merit, it is time to shift the focus of the Department of Justice and our tax dollars to other priorities.

While the proposed settlement is not a home run for any of the interested parties, it does have a little bit of something in it for everybody while maintaining its overall balance. One way that you can tell that the settlement is balanced is the fact that nobody is very happy with the proposed settlement.

Please contact me if you have any questions, or if you would like more information.

Thank you,

Keep fighting them Phil Gashitt

MTC-00033711

8448 Short Ridge Road

Aurora, Indiana 47001

January 11, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

As a Microsoft supporter, I write you concerning the recent settlement. After three years of negotiations, what more is there to debate? Microsoft has agreed to make various changes in licensing, marketing and design, and has agreed to do so under supervision. It is time to move forward and get our technology industry back to business.

With our economy the way it is, it makes sense to support any advances in technology that will maintain our place in the global market. As the IT sector is forced to sit and wait for the settlement to be enforced, our economy is jeopardized by stagnant growth in the technology industry. As we spend our time and money of further litigation, others will be focusing on innovation.

Let us help move forward and get back to business. Please help stop any further actions against this agreement. I thank you for your support.

Sincerely,

Myron Austin

MTC-00033712

27948 Blossom Boulevard

North Olmsted, Ohio 44070

January 8, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

The settlement that has been reached between Microsoft and the Department of Justice must be approved. I feel that this agreement is long overdue. Microsoft and the rest of the technology industry make up one of the fastest growing, most profitable sectors of the U.S. economy, and this suit is detrimental to our economy. The bottom line is that Microsoft is one of America's largest employers, and given the current state of the economy, this settlement is critical.

This suit should never have gotten as far as it has. Microsoft, in my opinion, was never guilty of antitrust violations. Microsoft's products are high quality, they are reasonably priced, and they have withstood the test of time as the best products on the market. Without the Windows operating system we never would have had the boom that we have experienced in the IT field. Microsoft has made computers accessible to consumers, and I would hate to give up the benefits and ease that I now have with my Microsoft products because the government believes that they have become too successful.

It is clear to me that this country needs to see the end of this suit before we can hope to recoup our financial losses. I support the settlement, and hope that it is approved as soon as possible.

Sincerely

Jim Pellegrino

MTC-00033713

JAN-09-2002 09:02

P.01

SUSAN V.BARBA

P .0 Box 112

Long Hill Road

New Vernon, New Jersey 07976-0112

January 7, 2002

Attorney General John Ashcroft

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

Dear Mr. Ashcroft:

I am writing you today to express my opinion in regards to the Microsoft settlement issue. I believe this settlement is long overdue and will be very beneficial to the present state of our economy.

I feel that Microsoft has had a positive impact on the way we do business as a nation. Microsoft has contributed to the technology sector and has offered quality products to consumers at reasonable prices. I was displeased to see Microsoft punished for doing its job well. Now Microsoft will share information about the internal interfaces of Windows with its competitors and will be monitored by a full-time technical review committee.

I believe the decision to settle with Microsoft was a good one. I hope to see the settlement benefit or IT sector soon

Sincerely,

Susan Barba

TOTAL P.01

MTC-00033714

JAN 09 2002 9:11 WALTER SLACK

203-637-0389

Walter Slack

45 Cedar Cliff Road
Riverside, CT 06878
January 8, 2002
Attorney General John Ashcroft
The United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft,

I am writing to express my displeasure with the involvement of state officials in the recent settlement between Microsoft and the Department of Justice. Although I am happy to see that this matter is being settled, the concessions are too harsh and unnecessary.

I am also very upset that my state Attorney General (Michael Blumenthal) is involved with this matter. I thought that anti-trust was a Federal issue. My state Attorney General should be going after drug dealer and other such criminals that are a state issue that more directly affects my quality of life. His involvement in anti-trust issues is just a redundancy of what the Federal Government is doing.

Personally, I think that Mike Blumenthal just enjoys seeing his face on national TV. I request that no further litigation is pursued by the US DOJ and urge that local officials stay out of this settlement altogether. Thank you for your time; please lean on the last nine states and DC to settle, and I hope that what ultimately occurs will be in the best interests of the American public and economy.

Sincerely,
Walter Slack

MTC-00033715

To: Attorney General
From: Biermann, Kevin
1-09-02 8:28am p.1 01 1
Communications Engineering Company, Inc.
1850 Boyson Road
Hiawatha, Iowa 52233
January 9, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

As Software Development Manager for a diversified company, I have learned to depend on the reliability of a variety of Microsoft software products. I am pleased that this settlement has been achieved and that apparently there will be no further federal action against Microsoft. For companies of our size and discipline, it is important to work with reliable software companies like Microsoft. It would be very difficult for us, and many companies like ours, to work around any software changes that would have inevitably happened if this suit had continued through the federal courts.

I wanted to write to suggest that this settlement is a good one, as Microsoft will appease its competitors by sharing key coding information and submitting to government oversight. I hope that it will be sustained through the review process. Thank you.

Sincerely,
Kevin Biermann
Development Manager

MTC-00033717

January 2002
Ms. Renata Hesse, Esq.
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW,
Washington, DC 20530
Fax 1-202-616-9937

Dear Ms. Hesse;

I am a citizen of the United States. I work in the information technology industry. I believe that it would be disastrous for me should all the tools of my livelihood be owned by a single corporate entity, no matter how well intentioned. This is what Microsoft intends. Their antitrust conviction indicates that Microsoft is not well intentioned.

I am profoundly concerned that, in the matter of US vs. Microsoft, the penalty phase of the trial is being managed by the convicted defendant in such ways as to increase their monopoly over today's information technology and, even more importantly, that of tomorrow.

The far-reaching consequences of the de facto reversal of the anti-trust trial verdict would be difficult to overestimate. It is no exaggeration to say that this is a matter that will impact every life on this planet for many lifetimes to come.

It is critically important that real, far-reaching and controlling penalties be assessed against Microsoft. Their very settlement proposal shows that the corporation's unbridled ambitions include actual control of every possible future application of information technology. The tendrils of this plan reach deeply into matters of the defense of this country and its economic health. In ways so insidious that they can be nothing but another Microsoft plan for market dominance.

This time, Microsoft is clearly thinking of the big picture. They are thinking of the entire nation and its governance. They are thinking of the entire global economy. They want it all. Their proposed settlement is another covert, gift-wrapped mechanism to achieve ambitious and self-serving ends.

Microsoft is not sorry that it has performed monopolistically. They are ceaselessly, incurably, rapaciously ambitious. They have been found guilty; the punishment you help to assign must somehow enforce a curb upon their avarice and ability to infiltrate the fabric of our entire lives.

Serious penalties are called for. Constant oversight is called for. The proposed settlement includes neither of these elements.

I could synthesize my own arguments for your consideration, but others, better informed and more knowledgeable, have already done so. I will quote them extensively, and hope you will consider the wisdom of their words.

From Dennis E. Powell of LinuxPlanet:

"The ... proposed settlement ... would grant Microsoft its operating system monopoly—indeed, contains wording such that it would no longer be illegal for Microsoft to maintain that monopoly—while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but

it's by no means required to do so. In short, the settlement is a travesty, an ill-advised embarrassment that flings down and dances upon the law and upon all but the most twisted notion of justice,

"I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has, I remind the judge, already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty ... would at barest minimum include three additional features:

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

o The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

o Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

I point out that if the national interest is at issue ... and as the judge has suggested it is crucial that Microsoft's operating system monopoly not be extended ... I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one."

"A settlement more along the lines of the one I propose above would greatly benefit Windows users as well, because competition would force Microsoft to improve the quality of its products in areas including but not limited to reliability and security. The settlement before the judge would benefit only Microsoft; a sterner settlement would benefit everybody.

I ask the judge to consider that the proposed settlement hurts each and every one of us in this nation in real, tangible ways. The proposed settlement should be rejected as ineffectual and, again, a tool of monopoly for Microsoft. Here are the words of a

California system administrator, with which I whole-heartedly agree:

"As the Network Administrator ... it is my responsibility oversee the deployment of new technologies to our company. My position gives me ample freedom to implement whatever software or hardware I see necessary to keep the company network running smoothly and to satisfy user requests. Unfortunately, though my position may give me that freedom, the current software economy cannot...

I would dearly love to replace all Microsoft technology in my office with Open Source software, and if the software economy give me as much freedom as my job did, I would do just that. However, the most defeating problem is what Microsoft chooses to keep secret— it's network protocols, the layout of its Office files, and the precise technology needed to migrate from their email server. . . I am asking the court to force Microsoft to publish these protocols in detail.

I am also urging to court to act on future technologies as well. Microsoft is now planning to add vast pieces of the Internet to its web of interdependencies. With its initiative .Net, whole portions of the web would be cut off from non-Microsoft technologies. We have seen a glimpse of the monopolist's vision of the future with the UK and MSN portal, designed by Microsoft and accessible only with Microsoft technology.

From a Canadian university (a nation whose economic fortunes are inextricably tied to those of the United States) comes a very specific analysis with which there can be no cogent argument, because it raises the issue of the user's right to his or her own data: "Because the most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (e.g. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, I believe it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

"In my reading of the proposed settlement, such protection is not provided. On the contrary, the settlement will serve to allow Microsoft to continue to hinder the open source software community's efforts.

"The proposed settlement speaks of disclosure of APIs and licensing of intellectual property, I fear that any information disclosed by Microsoft will only be licensed to vendors or developers under conditions of a non-disclosure agreement, thus preventing the implementation of such protocols in an open source project or product, "This settlement, if implemented as proposed, will serve to entrench Microsoft's monopolies further, by allowing it to exclude the open source software community from any future technologies and APIs it develops. As this community is currently one of Microsoft's most serious competitors, it seems unbelievable that the proposed settlement will aid Microsoft in eliminating this 'threat' to their monopolies.

"As an example of the current 'problem' of Microsoft's monopoly in the OS and office productivity software markets, I point to the

ubiquitous '.doc' file. This one proprietary file format I believe is one of the cornerstones of Microsoft's OS/productivity suite monopoly. Many people I know in the academic and business communities regularly purchase updated versions of Microsoft Windows and Microsoft Office for the sole reason that their correspondents send them .doc files as e-mail attachments. The options for importing these files into 3rd party applications are many; however, having personally tried a large number of such programs, both free and commercial, I can safely say that many work well some of the time, none work well all of the time. The continuing cycle of forced upgrades to maintain compatibility with correspondents lies at the heart of Microsoft's monopoly.

"As a solution to this kind of problem, I believe that Microsoft should be compelled to disclose the specifications of the file formats used by its products to anyone who sends or receives files in such formats and requests the information. "Left unsolved, this problem is bound to be more severe in the future. It has been widely reported recently that Microsoft is considering moving to a yearly licensing-fee system for its OS and office software. In this case, files created with licensed software and saved in proprietary formats may be permanently unavailable to the creator or owner of the data in the file if a user or company chooses to terminate its license. I may own the copyright of the work I create, but that is of little value if the only copy of the work in existence is one saved in a format to which I do not have access. "Of course the .doc file format is not the only proprietary file format Microsoft products use, and the arguments above apply equally well to other products and file formats. The .doc format is likely the most important however, because text-based documents appear to be the most commonly shared and transmitted.

"A second cornerstone of Microsoft's monopoly is the fact that many computer manufacturers will not sell computer hardware without a Microsoft OS. I understand that the proposed settlement will prevent Microsoft from entering into exclusive arrangements with vendors, but I believe that stronger protections are required.

"If Microsoft's agreements with computer vendors forced the vendor to disclose to the computer purchaser the price of the Microsoft products included, it would help consumers choose products and vendors that were appropriate to their needs. As an example, I point to Dell which will, as far as I can tell, not sell a computer without a Microsoft OS and office productivity suite. If purchasers knew that without these products they could save some number of dollars, that now often amounts to a sizable percentage of the computer package purchase price, they could apply pressure to the vendor to provide alternative (likely less expensive) products. Microsoft has stated concerns that selling computers without operating systems equates to software piracy. This assertion is absurd, and has become irrelevant with Microsoft's newest release of Windows XP, which requires license activation.

"Having consumers and end-users with more information is clearly in the public

interest. All of what is suggested here concerns supplying information that enables computer users to make informed decisions, and to access their own work on their own computer, "In summary, I believe the proposed settlement is seriously lacking, and will, if implemented as proposed, aid Microsoft in its efforts to hinder its most viable competitors. Any successful settlement must protect the rights of computer users to choose the products they desire to access their data."

If much of the legal profession is about finding loopholes (it is), then accountancy is about closing them. So it's not surprising that a certified public accountant found a glaring and terrible loophole in the proposed settlement and argued that it should be eliminated: "Another issue I have with the proposed settlement is the restrictions that are placed on the entities with which Microsoft must share their API's. In the explanations I have seen of the proposed settlement these entities are restricted to 'commercial' ventures, implying for-profit status. This is simply wrong and way too restrictive. I believe that to be truly effective the parties with whom Microsoft should share their API's and the like should be broadly defined, maybe something like 'any party or entity that could potentially benefit from such information'. In other words this information should essentially be in the public domain."

Many of us are simply and plainly harmed by Microsoft's business practices. From Microsoft's own back yard, Seattle, a commentator considers the specifics of the proposed settlement. She provides a compelling illustration of how she is personally damaged by the Microsoft monopoly:

"Microsoft has been determined guilty of violating anti-trust laws and the penalty phase just seems to miss the mark. I am hearing comments on the street that the U.S. Government is now a wholly owned subsidiary of Microsoft. I will admit that I find the 'penalties' somewhat perplexing in that they certainly seem to miss the mark rather completely.

"I personally think that is probably a little radical, but then I see demo copies of Microsoft's XP operating system on all the workbenches of my local post offices and I do wonder what is going on here. I do not see any other vendors' product demos available there. (Doesn't) this seem to indicate implicit approval of Microsoft products and no other by a government entity?

"The following are the flaws that I see in the 'penalties' that essentially seem to leave Microsoft better off than they were before the trial, there is no separation of integrated software that harms and stifles competition to the Microsoft operating system. Further I see no provisions for computer manufacturers to be able to offer other and more viable operating systems in a fair and price competitive atmosphere—essentially nothing has changed (under the terms of the proposed settlement).

"I do not see that the proprietary protocols for the operating system, networking and other elements are to be made public in order

that others may have equal opportunity to develop applications in a spirit of healthy competition and to encourage innovation, Microsoft appears to be allowed to maintain the closed, proprietary and monopolistic systems that started this process. Again it appears that nothing has changed and it will be business as usual for Microsoft.

"In Washington State, Microsoft continues with its obnoxious and heavy handed practices, only now in a new area. Their handling of their Internet Service Provider (ISP) business seems to be following the same basic marketing strategy that they used with their operating systems. This has even been noted in the Seattle Times newspaper, in a city where normally Microsoft can do no wrong: <http://seattletimes.nwsource.com/html/localnews/134378212awest14mO.html>

"Again, it appears to be business as usual for Microsoft.

"Thus I am perplexed at the current "penalties" being "imposed" on Microsoft. They seem to be more of an encouragement for Microsoft to continue in the same ways it has been and those are the very same ones that brought this issue to the DOJ in the first place. If these are implemented as currently stated, then fair business practices, innovation and competition are DEAD in the computer field.

"I do use Microsoft products; a very few are reasonably decent but I am forced to use others because the only option I have for them is other Microsoft products. Because of this, my time is considerably less efficiently used in repairing and working to keep the systems going rather than accomplishing work that I need to do. If one does not expect much from the computers running Microsoft products then they are not the absolute worst products on the planet, if you expect much from them and / or use them heavily then you are going to

rather constantly ... have them fail (with resulting) loss of time, effort and money. On days when I am working hard it is common to have to reboot my machine to recover my working ability at least several times. As time goes on from the initial (or subsequent complete re-install of the operating system) the situation grows steadily worse. The overall cost of running Microsoft products is incredibly high and far higher than it ever should be were Microsoft concerned with more than creating a market for the next version of its products. Bluntly, quality is not job one,

"In order that Microsoft be brought into line and with any hope of curbing their horrid business practices, it will take REAL penalties and serious oversight. With the obscene amounts of money that Microsoft has managed to accumulate through its less-than-fair business practices ... there is some doubt as to whether that can actually be accomplished. It has become quite obvious to anyone working in the field that there is no honor or integrity in Microsoft, only the search for more money in complete disregard for the good of the industry, the users ... at this point in time it becomes rather blatantly obvious that national security is at risk due to the poor quality and serious lack of attention to security that is (an) epidemic in their products. That alternatives are few is a

direct result of the issues that DOJ is supposed to be addressing in this matter.

"I've been told that I am wasting my time here, in that Microsoft can pay people to submit positive comments for this business enhancing solution that has been proposed as a 'punishment'. They have done the same things in the past; that is pretty much common knowledge. I can only hope that DOJ will prove wise, not be bought out by Microsoft and free the industry for the good of the consumer and the country."

A computer professional who has a long list of certifications—including some from Microsoft — makes the point that competition is the only assurance of high quality:

"Microsoft products, by virtue of being (created by) a monopoly, have been designed without concern for security or reliability, I can prove that the design of Microsoft products leads to the spread of countless viruses in the computer industry. They (Microsoft products) are the perfect products to use to send damaging virus from many groups like the terrorists from Afghanistan, Israel, Palestine, Egypt.... And do not imagine that these places have not already done damage.

"And it is not only because Microsoft products are in such wide use, but the real problem is that the products have been very poorly designed. It seems Microsoft has enough money to do the job right, so the remaining reasons why the products are so poorly written is that there is currently no need to be 'best of breed' when you are the only option.

It will not be long till they (the terrorists) discover that they can inflict hundreds of billions of dollars in damage. All this because Microsoft has a virtual monopoly, and instead of actually writing well-designed programs, they spend all the energy they have to simply maintain that monopoly,

"Often I give speeches to information technology groups that state, 'Without Microsoft in the industry, we would be at least 10 years ahead of where we are today'. But because of the constrictive designs and monopolizing practices of Microsoft, no possible competitive products have been able to get a start,

"As just one example: IBM wrote a fine operating system called OS/2 in 1992. Only today, some 9 years later, is Windows XP beginning to catch up to the technical capability of OS/2. In fact it still has a long way to go to catch up to OS/2 in security and reliability. What happened? IBM could not get any hardware vendors to carry the software because Microsoft had tied up all manufacturers of computers to include with each and every computer, a copy of Windows. This in spite of the fact that many wanted to use OS/2 instead of Windows. What happened to anyone who decided to use OS/2 was (that) they also paid (for) and received a copy of Windows that they did not desire.

"The only way to get the marketplace back in order is to separate the computer hardware from the operating system. When you go to a store to buy a computer, you should be able to buy any computer available without having to also purchase an operating system. That choice should be made at the time of

purchase rather than (be forced through software) included in the cost of the computer.

"(This situation) is much akin to buying a car, and with that car purchase also comes a coupon for gasoline from the Microsoft Gasoline Company. We agree that the car uses gasoline, and we all buy gasoline, but what if we prefer to buy gasoline from Shell rather than prepay for gasoline from the Microsoft Gasoline Company? Should we not have the option of not prepaying for fuel from the Microsoft Gas Company? ..."

From Rick Hohensee of the cLiEUNIX distribution comes a substitute remedy proposal:

"(It would be best if) the Court declares Microsoft operating system products 'criminally compromised intellectual property'. This is a special state of copyright protection vacancy, under which Microsoft operating system products lose their patent and copyright protections exactly five years after their release dates....

"First off, it has (the) one essential characteristic of anything that will be effective upon Microsoft, simplicity. They feed on loopholes. There are none in the above. There's nothing they can do about the Fed not protecting the copyrights their existence depends upon.

"There is nothing for them to cooperate with.

"This doesn't require any cooperation or good faith from Microsoft, which is also crucial, (They may actually favor this remedy, however.) ...

"It does actually partially break their monopoly, The AOLs and Oracles and Rick Hohensees of the world can produce their own alternatives to Windows, based on older versions of Windows. (I personally have to be very well paid to look at a Windows desktop, but distastes vary. I use Linux.)

"The focus is on the software others are dependent on, (the) operating systems. This leaves Microsoft untouched as to application products such as Office.... "What goes in an OS, where they expend their energies, all product design decisions and so on remain with Microsoft. Federal micromanagement of Microsoft is avoided, to everyone's benefit....

Another correspondent, from England, makes comments that must be seen in the Federal Register. They neatly address further Microsoft plans to manage national and world trade through monopolistic practices identical to those for which Microsoft was convicted.

"MS is desperate to stop Linux from competing in the client /server market by enforcing an MS client/MS server strategy. An example of this is the recent non-standard extensions to Kerberos so that if companies have MS clients they will find the encryption protocols may only work properly when they're talking to MS servers, This is to be expected from the company that continuously muddied the waters on SMB.

".NET is really an extension of the same principle, though the spinmeisters at Redmond make sickening paeans to Open Standards with their 'XML Foundations' nonsense.

"Let me give you an example of Microsoft's commitment to XML as an open standard for

data exchange—taken from the December 2001 issue of Linux User in an interview with OperaSoft's Haakon Lie:

"MS office claims to support XML but it writes the XML tags inside HTML comments so that they can not be found (by non-MS software). Even if the software then knew how to find the XML tags it would not know how to interpret them as the format used for the tags is proprietary!

"I think this tells you all you need to know about Microsoft's conversion to XML.

"What about those of us who do not live in the US? Microsoft's policies affect the entire world—how do the rest of us try and have a say in this? I speak as someone who lives in a country whose government has decided to hive off the public sector IT infrastructure lock, stock and barrel to Microsoft, and whose leader, Tony Blair, goes weak-kneed in the presence of Bill Gates. Britain is about to become the first reference site in the world for .Net, if Gates gets approval from the government to roll out a multi-billion dollar 100% MS solution for the tax authorities. In the last month it has been announced that the National Health Service and the Ministry of Defence have signed deals to put *all* of their desktops under one MS licensing contract. In three years time, if they want to carry on using the software, they will have to pay whatever amount MS demands (the joys of software rental). The lion's share of government contracts (in pound sterling terms) have gone to EDS, a company which makes no secret of the fact that it is little more than a value added reseller for Microsoft (all of EDS's costly 'solutions' are 100% MS)."

Please consider that the U.S. government has made much of globalization. It is a good idea for the government to understand that in cases such as this one, which have a global impact, this means responsibility for corporate behavior within the boundaries of the United States. Additionally, parties injured by the actions of American companies, which actions took place in the U.S., have standing by every standard I can find.

Finally, I will quote another wise man, a Floridian with more intensive software industry experience than mine, who speaks to the point of freedom of choice for the consumer: "I am a Software Developer who has worked in the industry for almost 10 years. I have used many Microsoft products, and have enjoyed the increasing abilities of software systems developed by Microsoft. I also enjoy using other operating systems, but as a software developer, I have to follow market trends to keep myself fed—regardless of the market trends.

"However, it is apparent to any casual software user that Microsoft has attempted to maintain a monopoly on the Internet Web Browser market. It is more apparent to a software developer who works within Microsoft operating systems. The technical aspects involved in the operating system itself (specifically, development with the Microsoft Foundation Classes and use of '.Net' technology) marries the software developer (happily or unhappily so) to Internet Explorer, and the operating system. "Furthermore, specific training programs

such as MCSE (Microsoft Certified Software Engineer) and MCSA (Microsoft Certified Solution Developer) are geared towards maintaining the Internet Browser market by way of gearing Microsoft Certified individuals (who pay for courses and tests!) to use only Microsoft products.

"Operating Systems.

"Software.

"Software Development.

"In an Internet enabled world, these are the tools for maintaining a monopoly on the Internet Browser Market.

"One could argue that nobody else has attempted these things on the level that Microsoft Inc. has, Yet that is my point. Nobody should. Freedom of Choice.

"The newer versions of Windows have the Internet technologies wrapped in them. This IS an obvious attempt to maintain a monopoly on the Internet Browser market. They may be able to prove that they did not do it 'on purpose', but they have done it. If I run over a man with my car, and I broke a traffic law while doing so, the offense is manslaughter. If I planned to do it (premeditated), it's Murder 1. The fact remains that a man would be dead.

"Odds are that when this is read, It will be read on a Windows NT 4.0 machine. Why? Because the U.S. Government has certified Windows NT 4.0 as a secure operating system, Furthermore, this mail message will probably be read through another one of Microsoft's applications.

"The U.S. Government, for lack of any other 'secure' operating system, has gone with the highest bidder. Nell Armstrong quipped about going to the moon on everything built by the lowest bidder, and here the United States states that we'll go with the ONLY software manufacturer that creates an operating system. This seems counterintuitive. Freedom of Choice. If you need more proof than the software that the reader of this document is using, and my ability to predict that, I'm at a loss.

"These two points highlight the fact that the average American consumer is paying more than once for the same software—first as consumers, then as taxpayers. When banks charge twice for ATM withdrawals, we cringe and say that it may be legal, but it is obviously immoral. Given, the hardware manufacturer is hiding the price of the operating system on new computer systems, the fact remains the same.

"This is a sticky situation, but legal recourse in the interest of the people of the United States (and the rest of the world!) should contain the following items:

"(1) Microsoft products—or products of any software manufacturer—must be sold as separate items by computer vendors. Users can then make a CONSCIOUS choice. Other software manufacturers then also have a chance to compete. Installation of the USER SELECTED software can remain free.

"(2) Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

"(3) The specifications of Microsoft's past, present and future document and network formats must be made public, so that

documents created in Microsoft applications may be read by programs from other makers, on Microsoft's AND other operating systems. This is in addition to opening the Windows Application Program Interface ('Windows API', the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

"(4) The level Microsoft is certified by the Software Engineering Institute must be made public to the consumer, as well as insight into their development process for Operating Systems. SE1 level 3 is required by the United States Government for software companies that supply software to it (or that was coming in 1999). This certification was created to protect the government from software manufacturers that had no software development process. This same certification should protect the average consumer, AND insight into the Software Development Process for creation of their operating systems would give software manufacturers a chance to keep up with Microsoft,

"(5) Device Driver information for new operating systems MUST be made public prior to the release of the operating system by a minimum of 6 months. This is VERY important when dealing with future web enabled embedded devices. This is also very important to the average consumer—they get a better product!

"This judgment is not only of Import to the United States, where it is a national issue. It is in fact an INTERNATIONAL issue, since the monopoly itself extends to all corners of the world, Judgment in this case MUST be fair to the consumer, because future cases along these lines will look toward this precedent. And, in future, it may not be as domestic an issue. "Furthermore, if Microsoft Inc. were a foreign company, this would be seen as a security issue. It should be seen this way despite the fact that Microsoft is a domestic software manufacturer, (and) for the SAME reasons.

"Please realize that the implications in an Internet based society reach further than the next few years, They affect society ad infinitum."

Please do not allow this travesty of a negotiated settlement to warp this nation's future.

Please do not allow the tools of production to remain in a single pair of grasping corporate hands.

Thank you for your consideration. Please help the judge to make careful and considered choices. The task before you now is to rein in this corporate megalith and constrain its future behavior into conformity with the letter and spirit of the law. The richest must not be allowed to legislate for all of us, with no end other than their further enrichment,

That isn't justice.

Thomas M, Barclay

01/09/02

MTC-00033718

Janice M. Yahr, CPA
3505 Veterans Memorial Highway
Ronkonkoma, NY 11779-7613
January 11, 2002
Attorney General John Ashcroft

US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

I am a concerned citizen writing you regarding the recent Microsoft settlement. After three years of delays in this well thought out, and well monitored negotiation process, it seems ridiculous to hold up these terms any longer. The terms should now speak for themselves, and be allowed to pull together the IT sector to function as a team.

Not only has Microsoft agreed to rework licensing and marketing agreements, but also has agreed to design future versions of Windows to allow for easier installation of non-Microsoft software. They have also agreed to make these changes while being monitored by a committee to make sure that they follow procedure. With all of the concessions made by Microsoft, it is evident that they were acting in the best interest of the IT sector as a whole. This is one of the prime reasons why we should be supporting our technology industry by supporting this settlement.

Moving forward with this settlement can only be helpful to consumers, the technology industry, and our economy as a whole. Let us help support our economy at this time and stop any further action against this settlement. I thank you for your support.

Sincerely,

Janice M. Yahr

MTC-00033719

Jacques Germans
67-59 214 Street
Bayside, NY 11364
718 224 8477 o fax: 503 210 1575 o e-mail
jgermans@ecomltd.com

January 11, 2002

Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Dear Attorney General Ashcroft:

I am writing in support of the Microsoft antitrust settlement. I do not believe protracted litigation, or the imposition of punishment beyond the terms of the agreement, such as breaking up the Microsoft Corporation, will serve the best interests of anyone.

As a computer consultant. I believe open competition is beneficial to consumers, and to our economy as a whole. Microsoft has been a fierce competitor in the market place, and has prospered as a result. This has been good for consumers. However, if Microsoft violated any antitrust laws in their business practices, that behavior should be rectified. So long as the settlement agreement provisions rectify any actions that violate the laws, the settlement agreement should be approved, and the litigation should end. I believe the settlement agreement contains such provisions. Specifically, the creation of a three person technical committee to monitor Microsoft's business practices, and Microsoft's agreement to share internal operating information with its competitors, will go far in ensuring compliance with antitrust laws.

I urge you to support the settlement agreement. In these trying economic times? it

is important for Microsoft, and the computer industry as a whole, be free to focus on business, rather than lawsuits.

Sincerely,

MTC-00033720

Konard O. Hauffe, DDS
Post office Box 543
717 Main Avenue
Brookings, SD 57104
605-692-4715 Ofnce/605-692-2427 Fax
January 2, 2002

Renata Hesse/Trial Attorney
Anti-Trust Division
United States Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Renata Hesse:

For the past couple years, I have been very concerned that the anti-trust suit against Microsoft Corporation will slow down the progress Windows has brought to home users and businesses.

I have a dental practice in eastern South Dakota and I look forward to the development of a Windows based system in the near future to replace the DOS program my office has used. However, I believe if the government continues this case against Microsoft, it will retard the kinds of innovations which would benefit clients like me and others. I also believe that it would be harmful to creativity if this case results in government playing a role which slows down progress and makes companies less apt to develop new products and market them. I think the government should avoid micromanaging companies in the information technologies industry.

Beyond the government intrusion issue, what is disconcerting in this court action is the fact that Microsoft's actions have not been found to be harmful to consumers. I realize there are additional issues in this case, but it is also my understanding that those issues have been addressed in the settlement agreement.

I am sending this letter in the public comment phase of this process to let you know that I support the settlement agreement and wish to see an end to this case. I also applaud the settlement's provisions which will bring new technologies to schools where poverty has prevented children from competing educationally.

Thank you for your attention to my concerns.

Sincerely,

Dr. Konard O. Hauffe

MTC-00033721

Mark Magnuson
27185 Pine Circle
Harrisburg, South Dakota 67032
December 3 1, 2001
Renata Hesse, Trial Attorney
Antitrust Division
United States Department of Justice
601 D Street NW—Suite 1200
Washington, DC. 20530

Dear Renata Hesse:

I was extremely pleased at the initial news of a settlement between the US. Justice Department and the Microsoft Corporation over the anti-trust suit brought by the Justice Department and various states' attorneys

general. However, I became concerned when I heard that half of the states in the suit want to keep up the fight in the courts, and that it was also clear that they were being cheered on by Microsoft's competitors, I hope that common sense and fairness will prevail and that this four-year-old, very expensive suit will be allowed to finally settle. I support the settlement. As a businessman in southeastern South Dakota, I know that business relies on Microsoft's Windows programs. Because the company has produced versatile, uncomplicated and affordable software that offers the best innovations, large and small businesses have been enabled to compete with access to the information highway. It certainly has enabled entrepreneurs to enter the business world at the same technical level of older firms, and that has been a major cornerstone for our state's economy.

From news stories, I have learned that the proposed settlement uses a means test to have Microsoft outfit the most economically needy schools and students with the tools they need to use the internet. The internet is the great equalizer in this age, and it is essential as learning to read and perform math to the success of each student. The settlement also resolves the issues which the courts decided needed to be resolved. I can't think what positive purpose can be served if Microsoft's antagonists are allowed to kill this settlement and drag this issue along for another year or two, because it is doubtful the continuation of this case will produce new findings of my substance.

As one who uses Windows in my work and at home, I am a satisfied customer and I don't know any business people in the Sioux Falls region who have a beef with the quality of the software supplied by Microsoft. Spending more time and taxes on this case, I believe, would truly be a waste. Please allow this settlement to stand.

Thank you.

Mark Magnuson

MTC-00033722

Georgia Hanson
551 N. Mable Avenue—Sioux Falls, SD
57103

December 31, 2001
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
Washington, DC 20530

Dear Renata:

This recently achieved settlement on U.S. vs. Microsoft will bring a wonderful opportunity to bridge the digital divide which exists for children in several counties of my state. I want you to know that South Dakota has had three of the nation's most impoverished counties, according to the Census Bureau, which are located on Indian Reservations. However, poverty in South Dakota is found in non-Indian counties where children live in farms, ranches and rural communities. Thanks to this settlement, these children won't have to stand last in line for this fundamentally important educational tool.

As a consultant and businesswoman, I am pleased that this settlement offers the hope that Microsoft will be able to continue its good work for new software innovations.

However, the most important benefit for our nation's economy rests with the conclusion of a court case which has certainly run its course. I was very pleased that the federal government and half of the states involved in the case reached a settlement in an anti-trust case where no harm to consumers was established. I am also very concerned about the effect on our economy and on the stability of the information technologies sector of our economy if this settlement is abandoned. Further compromises and penalties would have a chilling effect on any company's ability to become as innovative and productively assertive as Microsoft has been in its drive to be the most successful software developer in the world.

It is clear that the critical issues in the case have been resolved. I hope for the sake of this important industry that the last word has been said and that consumers will continue to benefit from more innovations and advancements in technology.

Sincerely,
Georgia Hansen

MTC-00033723

Rick Bauermeister, Director of Business Development
Market Solutions Group, Inc.
300 N. Dakota Avenue, Sioux Falls, DD 57184

Renata Hesse, Trial Attorney
Anti-Trust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

I am very pleased to submit my letter of support for the settlement under consideration in the U.S v. Microsoft anti-trust case. I have followed this issue through the news media, and I believe the settlement is fair and completely resolves the issues which were upheld by the courts.

Additionally, I am very, very pleased to see this case resolved after all of the time and financial resources which were invested thus far. It would be extremely unfortunate if this issue were to allow to linger and devour more time and money, nor to mention the damage done to the Microsoft Corporation to continue defending itself and disrupting its services as the world's leader in the development and sales of affordable, easy-to-use software. The stock market reports show that while many sectors in economy have been sagging from the economic recession, Microsoft has shown remarkable resiliency.

As a businessman whose livelihood has depended on advances in information technology, I've paid attention to how the dynamic advances created by Microsoft has not only vastly improved office system functions, but also how these advances have become more and more accessible and affordable to consumers. I think that consumers and our nation's economy have been the ultimate winner in Microsoft's quest to provide the best possible technological support to computer users.

The settlement which is being considered is a huge benefit for underprivileged children and school systems. But it is also the best solution for our nation's economy, consumers, and the entire information technology industry. I strongly recommend

that this settlement is allowed to be enacted and that this controversy is finished once and for all. I thank you very much for your attention to my letter.

With best regards,
Rick Bauermeister

MTC-00033724

January 2, 2002
Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse

Thank you for this opportunity to offer my views on the proposed settlement on the anti-trust case, U.S. VS. Microsoft Corporation. I am in full support of the settlement for these reasons:

- o The settlement, when enacted, will put an end to a court action which has dragged along for four years and has cost our federal government a great deal of money.

- o The benefits from the settlement will be highly fruitful for children, in our nation who most need access to information technologies, but who have been shut out because of economic circumstances.

- o The conclusion of this case will stop dragging down Microsoft Corporation's resources and attention from the excellent job it has done to provide the highly usable and affordable software systems in the homes and offices of Americans.

- + The Conclusion of this case will also end the threat of bringing down a corporation that has proven itself as being essential to the overall strength of America's economy.

Microsoft has been a very supportive partner in the development of information technologies in my home state of South Dakota. It submitted a \$760,000 matching grant to give a significant boost to the state government's effort to make the Internet ubiquitous to South Dakotans, and to increase opportunities for our state economy.

Personally, I have frequently wondered why this anti-trust case was initiated, because the case has not succeeded in proving that Microsoft Corporation has adversely affected consumers. I think the settlement is very, very generous, and that if there were issues which needed to be decided in this court process, they are now resolved.

Please do what you can to expedite this process and bring a fair conclusion to this case by allowing the settlement to be enacted.

sincerely,
Edward T. Clark, M.D.
4708 S. Willwood Circle
Sioux Falls, SD 57105

MTC-00033725

Paul McSweeney
Dakota Networks, Inc.
Phone: 605-331-6973 Fax: 605-332-8722
E-mail: paulmac@dakota-networks.com
December 29, 2001
Renata Hesse
Trial Attorney
Antitrust Division
Dept. Of Justice
601 D Street NW / Suite 1200
Washington, DC 20530

Dear Renata:

My letter is intended to provide commentary to voice my support for the proposed settlement in U.S. vs. Microsoft. My firm supplies software and IT support systems to many clients throughout the nation. As one who works with clients to set up office systems, I am very concerned about the net effect to the entire IT industry if this settlement is not enacted and the case is allowed to continue a course to more severe penalties and regulations on the development of new technologies.

The settlement reached by the Justice Department and nine of the states involved in the case probably does not make anyone entirely happy, but it includes something for everyone. Best of all, however, is the settlement will bring children and schools in economically stressed areas of our nation into the world of the internet. It also addresses the issues which the court process decided were the essential issues to be resolved.

I have relocated from Massachusetts to South Dakota. census records have shown consistently that South Dakota is home to the three poorest counties in the United States. They are located on Indian reservations. While the state has done much to wire public schools for the internet and to prepare children for the information age, I believe the settlement will provide a huge leap forward for Indian children through the gifts of software and hardware involved in the settlement. I appreciate your attention to my letter. I hope this settlement is enacted so that the IT industry can move forward.

Sincerely,
Paul McSweeney

MTC-00033726

MARY ELIZABETH JONES, ED.D.
48043 Snowbird Circle
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605-3674293 Office—6050743-2771
Residence

December 26, 2001
Renata Hesse
Trial Attorney
Anti-Trust Division
U.S. Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530

Dear Trial Attorney Hesse:

I appreciate the opportunity to state my support for the settlement agreement in U.S. v. Microsoft because of the tremendous benefit it offers to disadvantaged children through their education system, and because it finally brings to rest a court action which has absorbed enough time and resources from our government and from a corporation which is vital to our nation's troubled economy. I have worked for many years in South Dakota as a mental therapist and in education, and I agree with the view that this settlement will repair what is known as "the digital divide" which exists among economic classes in our society, and it seeks to remedy the issues which have been found to be valid thus far in the court process.

It is my understanding that the purpose of anti-trust laws and processes is to protect consumers. However, I think it needs to be clearly underscored in the consideration of

this settlement that none of the Microsoft Corporation's actions have been found to have harmed American consumers. Frankly, it appears to many of us that those who wish to jettison this valuable settlement and continue pursuing an even more severe victory are actually seeking to tear down

Microsoft's earned place as a leader in the information technologies industry. If such a severe victory is achieved, I believe the damage in the long-term will be against the entire information technologies industry and to the American economy. Microsoft Corporation is an important part of America's economic muscle and it is obvious to the casual observer that its marketplace competitors are working diligently to weaken the industry leader with the hope that a short-term gain will result. I think it is worth noting that while there are nine states which seek to prolong this issue beyond its four-year run in the process, nine other states and the U.S. Department of Justice have decided this issue should be settled now. It would be best for this nation's economy and the industry to settle this issue with this fair settlement and move ahead.

Thank you very much for considering my thoughts on this important matter.

Sincerely,
Mary Jones

MTC-00033727

THE MAIN STREET PUB JBHICA RADSAN
11 W. Main, Vermillion, SD 57069
Phone: 6054BU-5261
December 31, 2001
Trial Attorney Renata Hesse
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200 FP-2
Washington, DC 20530

Dear Trial Attorney Hesse:

My letter for the public commentary phase of the U.S. v. Microsoft antitrust case seeks to demonstrate my support in favor of the settlement agreement which was reached between Microsoft Corporation and the United States Justice Department.

I gladly applaud the Justice Department for reaching this agreement because the settlement will bring to an end a protracted and expensive case which has resolved the issues which the court has upheld as valid concerns.

I think the merits of the settlement agreement and the conclusions reached therein can be beneficial to the future of software development in our nation. On the other hand, I am very wary of efforts by some interests to undermine this fair and just settlement and the motivations behind those efforts.

What is most noteworthy to me is that this case did not find that Microsoft had harmed consumers. This, fact should give pause to those who wish to continue spending resources to continue this case beyond what is reasonable.

As a businesswoman, I am pleased with the high value and affordable cost of Microsoft's products. I believe the corporation has done much to make information technologies handily available and affordable to millions of Americans. As one of the most successful corporations in

America, Microsoft is a pillar in America's economy and it has been a reliable partner in business development.

Anyone can see that the information technologies industry is a highly competitive industry, and that Microsoft's position as the leader has been fought against some very tough opposition. This competition keeps Microsoft on its toes to out-create its competitors, and I believe Microsoft's meet productive and innovative days are yet to come as long as this case does not result in over-regulation and penalties which will give competitors an unearned advantage.

I have faith in our justice system that this settlement agreement will be allowed to proceed and its provisions, will be helpful to consumers. Thank you for reviewing my words of encouragement to put this agreement to work for a more Secure industry and economy.

Very truly yours,
Jessica R. Radigan

MTC-00033729

From John & Edie Reynolds to 787-5765
Edie P. Reynolds
3709 Marlin Ct.
Raleigh, NC 27604
January 18, 2002
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax: 202-616-9937

Dear Ms. Hesse,

It is my belief that approving the settlement of the Microsoft case now will benefit the United States tremendously. It's time to get the economy moving again, and settling this suit will provide the perfect shot in the arm for the ailing American economy. The date of the beginning of the stock market's collapse can be traced to the federal government's decision to break up Microsoft, according to the Rush Limbaugh radio show last Tuesday, January 15, 2001. Investor confidence was destroyed by news that the market leader in the technology sector of our economy was due to be crippled by a harsh remedy to the antitrust case. We've got to work to bring that confidence back. This is the time to put the interests of working Americans ahead of the interests of politicians, corporate executives and trial attorneys. We need to focus on the future, not the past. Both parties have agreed to abide by the terms of this landmark settlement. Let's accept the resolution they have reached in the matter!

I request that Judge Kollar Kotally approve the proposed settlement. Thank you for considering my opinion.

Sincerely,
Edie P. Reynolds

MTC-00033730

Wake Forest—Chamber of Commerce
January 15, 2002
Renata Hesse, Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Fax: 202-616-9937

Dear Ms. Hesse:

Please register my comments under the summary, "Let's end the Microsoft lawsuit while both parties agree." This lawsuit has dragged on for years, and has cost American taxpayers over \$30 million to prosecute. Enough already! There is absolutely no reason to continue the suit any longer. I hope that the Department of Justice will take the same position as Microsoft and the federal prosecutors in this case: let's approve the settlement and move on. Let's examine the facts in this case with regard to the American economy and economic development. First of all, we're in a recession. This recession has driven up the unemployment rate and driven down the value of stocks. Thus, many Americans have lost their jobs, and many of those who still have employment have seen their savings devalued, Not good, right?

Second, Microsoft is recognized innovative leader in American business technology. In fact, virtually every business that I've recruited to Wake Forest uses Microsoft products in some form or another. They rely on Microsoft to develop new products on a perpetual basis in order to improve the efficiency and effectiveness of business. Yet, Microsoft has been forced to spend untold millions of dollars on legal defense instead of research and development. Additionally, the legal battle has undoubtedly cast doubt in Microsoft's executives' minds as to whether they can legally introduce innovative products without being sued. Which brings me to my final point. The American entrepreneurial spirit is our singular most valuable asset. If creative American business leaders are intimidated to the extent that they stop creating efficient business products for the rest of us to enjoy, then we have in effect killed the American entrepreneurial spirit. We don't want that, do we?

I request that Judge Kollar Kotelly approves the settlement. Thank you.

Sincerely,
Stephen Barrington
Economic Development Director
Wake Forest, North Carolina
350 South White Street
Wake Forest, North Carolina 27587
Tel. 919-556-1519
Fax 919-556-8570
Web: www.wakeforestna.com
E-mail: wfchamber@sprintmall.com

MTC-00033731

From: Fax No.: Jul. 21 2001 02:32AM P4
Patrick T. McHenry
Former Special Assistant to the Secretary
United States Department of Labor
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms Hesse,

As a former Special Assistant to the Secretary of the United States Department of Labor, I am very aware of the challenges government faces in trying deal effectively with American businesses and the American workforce. One cause of unemployment for

the American workforce is the threat and actual filing of lawsuits against which American business must defend itself.

The federal government's case against Microsoft should be ended at this point in time. Both parties have agreed to a settlement. This settlement would mean the end of costly litigation for Microsoft. That's good news for American workers who have lost their jobs in this recession. You see, the less resources that Microsoft and other major corporate leaders have to invest in legal defense, the more funds they have available for research, development and, above all, job creation. Many people in the region in which I reside have lost their jobs. Many families are hurting. At this crucial stage in both our local and national economy, it is imperative that business and government work together. The perception that business and government have a constructive partnership will encourage investment and foster innovation among American industry.

These two components mean more jobs for American workers. Judge Kollar-Kotelly should approve the Microsoft settlement, for American workers' sake.

Sincerely,
Patrick T. McHenry
1426 Buckingham Avenue—Gastonia, NC 28054

MTC-00033732

Edge, Inc.
100 Citreion Ct
Cary, NC 27511
January 15, 2002
Renata Hesse
Trial Attorney
Antitrust Divisions
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse,
As the President and CEO of Edge, Inc., the Chairman of the Board of Unum Telecommunications, the Vice President of Sales for Armstrong Moving and Storage Company and a member of the National Board of the Paget Foundation, I have more than a little experience in the realm of business and industry, particularly in the area of sales and marketing. Each of the enterprises I work to build would be nothing if not for the positive public perception built by sales and marketing.

Which brings me to my main point: lawsuits are bad for sales and marketing. Lawsuits make investors skittish, customers wary and employees uncertain. No matter how a company tries to present positive image, a perception will exist that a company has behaved improperly and is under intense scrutiny. No one wants to be scrutinized: not investors, not customers and certainly not employees.

Microsoft has developed many of the products that make business efficient. Their success has encouraged investment not only in Microsoft, but throughout the entire tech sector. Customers have included virtually all segments of the American populace, from Wall Street to Main Street, from CEOs to homemakers. Microsoft employees have developed these revolutionary products that previous generations could not have imagined in their wildest dreams.

All of these components of Microsoft's success have been put at risk by the antitrust suit against Microsoft. Because the economy is in bad shape, we must put this matter behind us. Microsoft and the federal government have reached a settlement agreement. Let's end this saga and allow Microsoft to go on leading American entrepreneurs in the twenty-first century.

I hope that Judge Kollar-Kotelly approves this settlement.

Regards,
Edward Grieve

MTC-00033733

482 TANNER WAY
LANSDALE, PENNA. 19446
JANUARY 7, 2002
ATTORNEY GENERAL JOHN ASHCROFT
U.S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, N-W
WASHINGTON, DC 20530-0001

Dear Mr. Ashcroft:

I am writing to express my opinion and beliefs on the recent antitrust settlement between Microsoft and the U.S. Department of Justice. I support the settlement 100%, but I am pessimistic about its passage and implementation. First off, I believe that settlement was not unreasonable. but the nine states in opposition are just grandstanding for their own political agendas. Microsoft is getting a raw deal and I think the matter will ultimately end up in the Supreme Court.

That is a pity, because the settlement is rather fair. and is the best that any rational person could expect. The settlement addresses the original complaints about Microsoft, and now they have been addressed by everything from barriers against retaliation for developing competing software to fixed licensing prices and redesign of Windows XP.

At any rate, the recession has had a devastating effect on state budgets and the federal budget., and it is important that the technology industry be allowed to concentrate on business now Thank you for your time.

Sincerely,
CC: Senator Rick Santorum

MTC-00033734

PATRICK J. LEAHY, VERMONT,
CHAIRMAN
EDWARD M. KENNEDY, MASSACHUSETTS
ORRIN G. HATCH, UTAH
JOSEPH R. BIDEN, JR., DELAWARE
STROM THURMOND, SOUTH CAROLINA
HERBERT KOHL, WISCONSIN
CHARLES E. GRASSLEY, IOWA
DIANNE FEINSTEIN, CALIFORNIA
ARLEN SPECTER, PENNSYLVANIA
RUSSELL D FEINGOLD, WISCONSIN
JON KYL, ARIZONA
CHARLES E. SHUMER, NEW YORK
MIKE DEWINE, OHIO
RICHARD J. DURBIN, ILLINOIS
JEFF SESSIONS, ALABAMA
MARIA CANTWELL, WASHINGTON
SAM BROWNBACK, KANSAS
JOHN EDWARDS, NORTH CAROLINA
MITCH MCCONNELL, KENTUCKY
United States Senate
COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275
January 28, 2002
Ms. Renata Hesse
Trial Attorney
U.S. Department of Justice—Antitrust
Division

325 7th Street NW Suite 500
Washington, DC 20530

Dear Ms Hesse,
We enclose the hearing record from the Judiciary Committee's December 12, 2001 hearing, "The Microsoft Settlement: A Look to the Future," as a public comment pursuant to the Tunney Act's public comment provision, 15 U.S.C § 16(d), for the Department's or the Court's use as it deems appropriate.

Sincerely,
PATRICK J. LEAHY
Chairman
ORRIN G. HATCH
Ranking Republican Member

SENATE COMMITTEE ON THE JUDICIARY

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Jay L. Himes, Office of the Attorney General, New York
Charles F. Rule, Counsel to Microsoft Corporation
Professor Lawrence Lessig, Stanford Law School
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Chairman Patrick J. Leahy
 Senator Orrin G. Hatch
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 Senator Mike DeWine
 Senator Richard J. Durbin
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Assistant Attorney General Charles A. James
 Professor Lawrence Lessig, Stanford Law School
 Mitchell Kertzman, Liberate Technologies
 Matthew Szulik, Red Hat, Inc.
 Charles F. Rule, Counsel to Microsoft Corporation
 Jonathan Zuck, Association for Competitive Technology
 Jay L. Himes, Office of the Attorney General, New York

[As of 1/28/02, the Committee has not received answers to written questions from Dr. Cooper]

Witness List

Senate Committee on the Judiciary
 "The Microsoft Settlement: A Look to the Future"

Wednesday, December 12, 2001

10:00 a.m.

106 Dirksen Senate Office Building

PANEL I

The Honorable Charles A. James
 Assistant Attorney General for the Antitrust Division, United States Department of Justice, Washington, DC

PANEL II

Jay Himes
 Chief, Antitrust Bureau Office of the New York State Attorney General, New York, NY
 Charles F. Rule
 Fried, Frank, Harris, Shriver & Jacobson, Counsel to Microsoft Corporation, Washington, DC

PANEL III

Professor Lawrence Lessig, Esq.
 Stanford Law School, Stanford, CA
 Mark N. Cooper, Ph.D.
 Director of Research, Consumer Federation of America, Washington, DC
 Jonathan Zuck
 President, Association of Competitive Technology, Washington, DC
 Matthew J. Szulik
 President and Chief Executive Officer, Red Hat, Inc., Durham, NC
 Mitchell E. Kertzman
 President and CEO, Liberate Technologies, San Carlos, CA

TRANSCRIPT OF PROCEEDINGS
 UNITED STATES SENATE
 COMMITTEE ON THE JUDICIARY
 MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE

Washington, DC
 December 12, 2001

CONTENTS STATEMENT OF:

Hon Charles A. James, Assistant Attorney General,

Antitrust Division, United States Department of Justice, Washington, DC
 THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE

WEDNESDAY, DECEMBER 12, 2001

United States Senate,
 Committee on the Judiciary,
 Washington, DC

The committee met, pursuant to notice, at 10:08 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Patrick J. Leahy, chairman of the committee, presiding.

Present: Senators Leahy, Kohl, Cantwell, Hatch, Kyl, 11 DeWine, Sessions, and McConnell.

The Chairman. Good morning. I just want to do a little housekeeping here. I want to make sure the chairman and ranking member of the Antitrust Subcommittee are here, Senator Kohl and Senator DeWine, both of whom have done a superb job for years in handling antitrust matters.

I told Senator DeWine earlier, and this will probably cause a recall petition from the Republican Party in Ohio, what a terrific job he did as chairman and then what a terrific job Senator Kohl has done as chairman on antitrust matters, and pointing out that they are issues of great complexity and great importance to everybody here in the Senate.

I have looked at the proposed settlement the Department of Justice and nine States have transmitted to the district court that is a plan for the conclusion of what has been really landmark antitrust litigation. But now it has got to pass the legal test set out in the Tunney Act if it is going to gain court approval, and that test is both simple and broad. It requires an evaluation of whether the proposed settlement is in the public interest.

There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the States participating in the litigation against Microsoft are evenly split. Nine States joined in the 11 proposed settlement and nine non-settling States presented the court with an alternative remedy.

As the courts wrangle with the technical and complex legal issues at stake in this case, this committee is conducting hearings to educate ourselves, but also to educate the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work and at school and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not to go into the legal technicalities. The questions raised here and views expressed may help inform the court. I plan, with Senator Hatch, to forward to the court the record of this hearing for consideration as the courts goes about the difficult task of completing the Tunney Act proceedings and the remedy sought by the non-settling States.

I am especially concerned that the district court take the opportunity seriously to consider the remedy proposal of the non-

settling States, and to consider it before she makes her final determination on the other parties' proposed settlement. The insights of the other participants in this complicated and hard-fought case are going to be valuable additions to the comments received in the Tunney Act proceeding. I would hope they would help inform the evaluation whether the settlement is in the public interest, a matter which for many people is still an open question.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the Web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy.

This creativity is not limited just to Silicon Valley. I think of my own home area, Burlington, Vermont. It ranks seventh in the Nation in terms of patent filings. Burlington is 38,000 people and it is in a county of about 130,000 people. This is not per-capita; this is actual filings—seventh in the Nation.

Whether the settlement proposal will help or hinder this process and whether the high-tech industries will play the important role they should in our Nation's economy is a larger issue behind the immediate effects of this proposal.

With that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require. Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case. The remedy must end the anticompetitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing, and it must ensure that illegality never recurs. The Tunney Act also requires that any settlement of such a case serve the public interest.

Now, these are all high standards, but they are reasonable ones and people have dealt with them for years. In this case, the DC Circuit, sitting en banc and writing unanimously, found that Microsoft had engaged in serious exclusionary practices, to the detriment of their competitors, and thus to all consumers. So we have to satisfy ourselves that these matters have been addressed and redressed, or if they have not, why not.

I have noted my concern that the procedural posture of this case not jeopardize the opportunity of the non-settling States to have their day in court, and not deprive the district court of the value of their views on appropriate remedies in a timely fashion.

In addition, I have two basic areas of concern about the proposed settlement. First, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or, worse, both. Mr. Rule raised an important and memorable point when he last testified before this committee in 1997 during the very important series of hearings that were convened by Senator Hatch on competition in the digital age, hearings that helped shape a lot of thinking in the Senate.

Testifying about the first Microsoft-Justice Department consent decree, Mr. Rule said,

"Ambiguities in decrees are typically resolved against the Government. In addition, the Government's case must rise or fall on the language of the decree; the Government cannot fall back on some purported 'spirit' or 'purpose' of the decree to justify an interpretation that is not clearly supported by the language." So we take seriously such counsel. We would worry if ambiguity in the proposed settlement would jeopardize its enforcement.

Second, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly in light of the absence of any requirement that the decree be read in broad remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer who has litigated cases—and, Mr. James, that would certainly include you—and any business person knows how distracting litigation of this magnitude can be. We all appreciate the value that reaching an appropriate settlement can have not only for the parties, but also for consumers who are harmed by anticompetitive conduct, and the economy.

I am the first one to say we would like some finality so that everybody involved, all parties, can know what the standards are and all consumers can know what they are. Because of that, I don't come to this hearing pre-judging the merits of this proposed settlement, but instead as one who is ready to embrace a good settlement that puts an end to the merry-go-round of Microsoft litigation over consent decrees. The serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that if it is approved in its current form, it may simply be an invitation for the next chapter of litigation.

I want an end to this thing. I think everybody wants an end to it, but we want an end to it where we know what the rules are going to be. If we don't know what the rules are going to be, as sure as the sun rising in the east we are going to face these issues again. On this point, I share the concern of Judge Robert Bork, who warns in his written submission that the proposed settlement "contains so many ambiguities and loopholes as to make it unenforceable and likely to guarantee years of additional litigation.

So I look forward to hearing from the Department of Justice and the other witnesses here. I will put into the record a series of letters: one, a letter to myself and Senator Hatch from James Barksdale; another, a letter to Assistant Attorney General James from Senator Hatch; a letter from Senator Hatch from Assistant Attorney General James; letters to myself and Senator Hatch from Robert Bork; a letter to myself from Ralph Nader, with two enclosures; written testimony of Catfish Software, Inc.; and written testimony of Mark Havlicek of Digital Data Resources, Inc.

[The information referred to follows:]

The Chairman. I yield to Senator Hatch, who did such superb hearings on this whole issue earlier. Senator Hatch. Well, thank you,

Mr. Chairman. As you know, We conducted a series of hearings, as you have mentioned, in this committee in 1997 and 1998 to examine the policy implications of the competitive landscape of the then burgeoning high-tech economy and industry, which was about to explode with the advent of the Internet.

Those hearings focused on competition in the industry, in general, and more specifically complaints that Microsoft had been engaged in anticompetitive behavior that threatened competition and innovation, to the detriment of consumers. Our goal was, and I believe today is to determine how best to preserve competition and foster innovation in the high-technology industry.

Although the committee and I as its chairman was then criticized by some, I strongly believed then and continue to believe now that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed Government regulation of business tomorrow.

My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulation of the industry, whether by government or by one or few companies. As we may remember, the hearings before the Judiciary Committee developed an extensive record of Microsoft's conduct and evidenced various efforts by the company to maintain and extend its operating system monopoly. These findings, I would note, were reaffirmed by a unanimous and ideologically diverse Court of Appeals. The Microsoft case and its ultimate resolution present one of the most important developments in antitrust law in recent history, certainly in my memory.

As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalistic system, striving to be one should be encouraged, as a matter of fact. However, anticompetitive conduct intended to maintain or extend this monopoly would harm competition and could possibly be violative of our laws.

I believe no one would disagree that the DC Circuit Court's decision reaffirmed the fundamental principle that a monopolist, even a monopolist in a high-tech industry like software, must compete on the merits to maintain its monopoly, which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the Government's antitrust litigation against Microsoft.

Mr. Chairman, rather than closing the book on the Microsoft inquiry, the proposed settlement appears to be only the end of the latest chapter. The settling parties are currently in the middle of the so-called Tunney Act process before the court, and the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement. This has been a complex case with significant consequences for Microsoft, high-tech entrepreneurs, and the American public as well.

The proposed settlement between Microsoft and the Justice Department and nine of the plaintiff State attorneys general is highly technical. We have all been studying it and its impact with great interest. Each of

us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good. Not surprisingly, we have also heard and read much criticism of the settlement. These are complex issues, and I would hope today's hearing will illuminate the many questions that we have.

I should note that about two weeks ago I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, naturally seeking further information on my part.

First, I want to commend the Department for getting the responses to these questions to me promptly. We received them yesterday. I think the questions, which were made public, and the Department's responses could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the committee, Mr. Chairman, I would like to make both the questions and the Department's answers part of the record for this hearing. So I would ask unanimous consent that they be made part of the record.

As I noted in my November 29th letter to the Department, I have kept an open mind regarding this settlement and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the DC Circuit and restore competition in the software marketplace.

I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the DC Circuit, as well as the standards for enforcement under settled antitrust law. I believe that further information regarding precisely how the proposed settlement will be interpreted, given DC Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information that would supplement the questions that I have put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today and that I would like all of our witnesses to consider as they wait to be empaneled so that they can discuss is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the so-called "new economy." Indeed, the most significant lesson the Microsoft case has taught us is this fact. The DC Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion, and I will quote from the unanimous court:

"[w]hat is somewhat problematic...is that just over six years have passed since Microsoft engaged in the first conduct plaintiffs allege to be anticompetitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn,

threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions." The court goes on to say, "Innovation to a large degree has already rendered the anticompetitive conduct obsolete (although by no means harmless)."

Now, this issue is one that is relevant for this committee to consider as a larger policy matter, as well as how it relates to this case and the proposed settlement we are examining today.

Let me just say that one of the things that worries me is what are the enforcement capabilities of this settlement agreement? It was only a few years before these matters arose that Microsoft had agreed to a consent, a conduct decree that many feel they did not live up to, and I think it is a legitimate issue to raise as to how will the agreement that the Justice Department has worked out with Microsoft and nine of the plaintiffs be enforced if anticompetitive conduct continues.

In that regard, let me just raise Mr. Barksdale's letter, which I believe you put into the record.

The Chairman. I did, I did.

Senator Hatch. Well, let me just raise it because he does make some interesting comments in his letter and I can read them, I think they might be at least part of opening up the questions in this matter. I will just quote a few paragraphs.

He says, "These developments have stiffened my resolve to do all I can to ensure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape what Microsoft did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective, I respectfully submit that the Proposed Final Judgment, PFJ, which is the subject of the hearing, will be even less effective, if possible, than the 1995 decree in restoring competition and stopping anticompetitive behavior. Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?"

He describes the impact on future Netscapes as follows, and let me just read a couple of paragraphs in this regard.

"As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Mark Andreessen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ, and such would be the effect on any company developing in the future technologies as innovative as the Microsoft did to Netscape from 1995 to 1999. It is universally recognized that the 1995 consent decree was ineffective, I respectfully

submit that the Proposed Final Judgment, PFJ, which is the subject of the hearing, will be even less effective, if possible, than the 1995 decree in restoring competition and stopping anticompetitive behavior.

Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions. If the PFJ had been in effect all along, how would it have affected Netscape? More important, how will it affect future Netscapes?"

He describes the impact on future Netscapes as follows, and let me just read a couple of paragraphs in this regard. "As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 1994, Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Mark Andreessen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise. An innovative, independent browser company simply could not survive under the PFJ, and such would be the effect on any company developing in the future technologies as innovative as the browser was in the mid-1990s." He goes on to characterize whether or not Microsoft could have developed this itself, but let me just read the last few paragraphs of this letter.

"If the PFJ provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against Microsoft. This would be a tragedy for our Nation. It makes a mockery of the notion that the PFJ is "good for the economy" unquote. If the PFJ goes into effect, it will subject an entire industry to dominance by an unconstrained monopolist, thus snuffing out competition, consumer choice, and innovation in perhaps our Nation's most important industry. And, worse, it will allow them to extend their dominance to more businesses such as financial services, entertainment, telecommunications, and perhaps many others. Four years ago, I appeared before the committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now, it has been proven in the courts that Microsoft not only has a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated 8-0 by the Federal courts. I hope you will keep these thoughts in mind during your hearings." Then he said, "A more detailed analysis of my views follows."

Well, the importance of that letter is basically Barksdale was one of the original complainants against Microsoft and was one of the very important witnesses before this committee in those years when we were trying to figure what we are doing here. I don't think you can ignore that, and so these questions have to be answered that he raises, plus the questions that I have given as well.

So you have put that letter in the record?

The Chairman. I have, and also I understood you wanted those letters that you had to Mr. James. Those are also part of the record.

Senator Hatch. I appreciate it.

Let me just say, Mr. Chairman, I am grateful that you are continuing the committee's important role in high-technology policy matters, as I would expect you to do because I know that you take a great interest in these matters, as does, I think, every individual person on the committee.

I certainly look forward to hearing our witnesses 23 today, and I am going to keep an open mind on where we are 24 going here and hopefully we can resolve these matters in a 25 way that is beneficial to everybody, including those who are against Microsoft and Microsoft itself.

Thank you, Mr. Chairman.

The Chairman. Thank you.

Senator Kohl?

Senator Kohl. Mr. Chairman, we thank you for holding this hearing here today.

This is a crucial time for competition in the high-tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against Microsoft, the Government has announced a settlement. But the critical question remains, will this settlement break Microsoft's stranglehold over the computer software industry and restore competition in this vital sector of our economy? I have serious doubts that it will.

An independent Federal court, both the trial court and 16 the Court of Appeals, found that Microsoft broke the law and that its violation should be fixed. This antitrust case was as big as they come. Microsoft crushed a competitor, illegally tried to maintain its monopoly, and stifled innovation in this market.

Now, after all these years of litigation, of charges and counter-charges, this settlement leaves us wondering, did we really accomplish anything. Or in the words of the old song, "is that all there is?" Does this settlement obey the Supreme Court mandate that it must deny the antitrust vr 18 1 violator the fruits of its illegal conduct?

It seems to me and to many, including nine of the States that joined the Federal Government in suing Microsoft, that this settlement agreement is not strong enough to do the job, to restore competition to the computer software industry. It contains so many loopholes, qualifications, and exceptions that many worry that Microsoft will easily be able to evade its provisions.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar Microsoft logo, placed on the Microsoft start menu, and all of their computer operations take place through the filter of Microsoft's Windows operating system. Microsoft's control over the market is so strong that today more than 95 percent of all personal computers run on the Windows operating system, a market share high enough to constitute a monopoly under antitrust law.

Its share of the Internet browsing market is now over 85 percent, and it reported a profit

margin of 25 percent in the most recent quarter, a very high number in challenging economic times. Microsoft has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. And Microsoft has never been shy about using its market power.

Are we here today really confident that in five years this settlement will have had any appreciable impact on these facts of life in the computer industry? I am not.

We stand today on the threshold of writing the rules of competition in the digital age. We have two options. One option involves one dominant company controlling the computer desktop facing minor restraints that expire in five years, but acting as a gatekeeper to 95 percent of all personal computer users. The other model is the flowering of innovation and new products that resulted from the breakup of the AT&T telephone monopoly nearly 20 years ago. From cell phones to faxes, from long-distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers everyday. We should insist on nothing less in this case.

In sum, any settlement in this case should make the market for computer software as competitive as the market for computer hardware is today. While there is nothing wrong with settling, of course, we should insist on a settlement that has an immediate, substantial and permanent impact on restoring competition in this industry.

I thank our witnesses for testifying today and we look 24 forward to hearing your views.

The Chairman. Thank you.

Senator DeWine?

Senator DeWine. Mr. Chairman, thank you very much for holding this very important hearing concerning the Department of Justice's Proposed Final Judgment in its case against Microsoft.

Mr. Chairman, as we examine this judgment and attempt to imagine what it will mean for the future of competition in this market, we must keep in mind the serious nature of this case. According to the DC Circuit Court, Microsoft did, in fact, violate our antitrust laws. Their behavior hurt the competitive marketplace. This is something that we must keep in mind as we examine the Proposed Final Judgment.

This hearing is particularly important at this time because Federal law does require the district court to examine the proposed settlement and determine if it is, in fact, in the public interest. Federal law clearly allows the public to be heard on such matters. I believe that this forum today will further that process of public discussion.

The Court of Appeals in this case, relying on established Supreme Court case law, explained what an appropriate remedy in an antitrust case such as this one must seek to accomplish. It should unfetter the market from anticompetitive conduct, terminate the illegal monopoly, and deny the defendant the fruits of its violations. It is important, Mr. Chairman, that we examine whether the decree would, in fact, accomplish these goals.

There seems to be a great deal of disagreement about what the competitive impact of the decree will be. While the proposed settlement correctly, I believe, focuses primarily on the market for middleware, there has been a great deal of concern raised about the mechanism for enforcing such a settlement. Specifically, I think we need 8 to discuss further whether the public interest would be better served with a so-called special master or some sort of other administrative mechanism, or whether the Justice Department could be more effective enforcing the decree on its own.

In addition to the Department of Justice's Proposed Final Judgment, we also have the benefit of another remedies proposal that has been submitted to the court by nine States that did not join with the Antitrust Division's proposal. I would like to hear from our witnesses about the role they believe this alternative proposal should play in the ongoing Tunney Act proceedings.

As I mentioned earlier, Mr. Chairman, the Court of Appeals directed that any remedy should seek to deny Microsoft the fruits of its illegal activities. One clear benefit Microsoft derived from its violations was the effective destruction of Netscape as a serious competitor and a decrease in Java's market presence. It is obviously impossible to go back in time and resurrect the exact market structure that existed, but it is important to discuss how the proposed settlement deals with this problem.

I would also like to note for the record that Microsoft will be represented today by one of their outside counsel, Rick Rule, rather than an actual employee of the company. Mr. Rule is an outstanding antitrust lawyer. He is well qualified to testify on this issue and we certainly look forward to hearing his testimony today.

However, Mr. Chairman, I must say that I am disappointed that Microsoft chose not to send an actual officer of the company because it does not appear to represent, frankly, the fresh start that I think we were all hoping to begin today.

Finally, I would like to thank you, Mr. Chairman, Ranking Member Hatch, and Antitrust Subcommittee Chairman Kohl for all of your hard work in putting this hearing together and all of your work on this issue generally over the last few years.

I look forward to the testimony of our witnesses today and to the committee's continuing oversight of this very important issue.

The Chairman. Mr. James, there is a vote on the floor. I think there are two or three minutes left in the roll call vote. We are going to suspend while we go to vote, but I think—

Senator McConnell. Mr. Chairman, I have a really brief statement. Could I make that before you adjourn?

The Chairman. You can.

Senator McConnell. Let me just say that this hearing and the accompanying media spectacle indicate the Microsoft case is the subject of significant public interest and debate. Some argue that the case itself should never have 9 been filed to begin with, and now after nearly four years of litigation, Microsoft, the Department of Justice and nine States have reached a settlement.

I just want to commend the parties for their tireless effort and countless hours spent in reaching the compromise. Settlement is nearly always preferable to litigation, and regulation by the market is nearly always better than regulation by litigation, or the Government for that matter.

As far as what the public thinks, just this week a nationwide survey indicated that the U.S. Government and Microsoft agreed to settle the antitrust case. However, nine State AGs argued that the antitrust case against Microsoft should continue. Which statement do you agree with?

The U.S. economy and consumers would be better off if the issue were settled as soon as possible: 70 percent. The court should continue to investigate whether Microsoft should be punished for its business activities: 2percent. Not that the public is always determinative, but I thought that would be an interesting observation to add.

Thank you very much, Mr. Chairman.

The Chairman. Mr. James, I think you would note from the comments that they sort of go across the board here. The majority of people favor a settlement, but I must say that I don't think the majority of people favor any settlement; they favor a good settlement, and that is what the questions will be directed at and that is why nine attorneys general have expressed concern. Nine agreed with the settlement, nine disagreed with the settlement. These are all very good, very talented people. So in your testimony when we come back, you have heard a number of the questions that have been raised and we look forward to you responding to them.

We will stand in recess while we vote.

[The committee stood in recess from 10:40 a.m. to 11:14 a.m.]

The Chairman. I should note for the record that Mr. James has served as the Assistant Attorney General for the Antitrust Division since June 2001. He previously served as Deputy Assistant Attorney General for the Antitrust Division for the first Bush administration from 1980 to 1992. He served as Acting Assistant Attorney General for several months in 1992, then was head of the antitrust practice at Jones, Day, Reavis and Pogue, in Washington.

Not knowing what the Senate schedule might be, Mr. James, we will put your whole statement in the record, of course. I wonder if you might summarize it, but also with some reference to the charge made in the letter to Senator Hatch and myself by Mr. Barksdale, who said had these been the ground rules, he never would have been able to get Netscape off the ground. Had these been the ground rules at the time they started Netscape, they never would have been able to create Netscape. If that is accurate, of course, then we have got a real problem.

So, Mr. James, it is all yours.

STATEMENT OF HON. CHARLES A. JAMES, ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION, UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, DC

Mr. James. Thank you, Senator Leahy, and good morning to you and members of the committee. I am pleased to appear before you today to discuss the proposed settlement of

our still pending case against Microsoft Corporation.

With me today are Deborah Majoris, my deputy, and Phil Malone, who has been the lead staff lawyer on the Microsoft case from the very beginning. I note their presence here because they were the ones who responded to the judge's order that we negotiate around the clock and I think they have recovered now.

As you know, on November the Department and nine States entered into the proposed settlement. We are in the midst of the Tunney Act period, as you know, and that will end at the end of January, at which point the district court will determine whether the settlement is in the public interest. We think that it is.

I am somewhat limited in what I can say about the case because of the pendency of the Tunney Act proceeding. But, of course, I am happy to discuss this with the committee for the purpose of public explication.

When thinking about the Microsoft case, from my perspective it is always important to distinguish between Microsoft, the public spectacle, and Microsoft, the actual legal dispute. We look, in particular, to what the Department alleged in its complaint and how the court ruled on those allegations.

The Antitrust Division's complaint had four counts: attempted monopolization of the browser market, in violation of Section 2; individual anticompetitive acts and a course of conduct to maintain the operating system monopoly, in violation of Section of the Sherman Act; tying its own browser to the operating system, in violation of Section 1; and exclusive dealing, in violation of Section 1.

I would note that a separate monopoly leveraging claim brought by the States was thrown out prior to trial, and that the States at one time had alleged in their complaint monopolization of the Microsoft office market, and that was eliminated by the States through an amendment.

There was, of course, a trial before Judge Jackson, at the conclusion of which Judge Jackson found for the Government on everything but exclusive dealing and ordered Microsoft to be split into separate operating system and applications businesses after a one-year transitional period under interim conduct remedies.

On appeal, however, only the monopoly maintenance claim survived unscathed. The attempted monopoly claim was dismissed. The tying claim was reversed and remanded for further proceedings under a much more rigorous standard. And the remedy was vacated, with the court ordering remedial hearings before a new judge to address the fact that the liability findings had been, in their words, "drastically curtailed."

Even the monopoly maintenance claim was cut back in the Court of Appeals decision. The Court of Appeals found for Microsoft on some of the specific practices and ruled against the Government on the so-called course of conduct theory of liability.

I recount all of this history to make two basic points that I think are important as we discuss the settlement. First, the case, even as initially framed by the Department of Justice, was a fairly narrow challenge. It was

never a direct assault on the acquisition of the operating system monopoly itself.

Second, and perhaps much more important, the case that emerged from the Court of Appeals was much narrower still, focusing exclusively on the middleware threat to the operating system monopoly and specific practices, not a course of conduct found to be anticompetitive.

The Court of Appeals decision determined the reality of the case as we found it in the Department when I first arrived there in June, as you noted. The conduct found to be unlawful by the court was the sole basis for relief.

It is probably worth talking just briefly about the monopoly maintenance claim. The complaint alleges that Microsoft engaged in various anticompetitive practices to impede the development of rival Web browsers and Java. These products came to be known as middleware and were thought to pose a threat to the operating system monopoly because they had the potential to become platforms for other software applications. The court noted that the middleware threat was nascent; that is to say that no one could predict when, if ever, enough applications would be written to middleware for it to significantly displace the operating system monopoly.

A few comments about the settlement itself. In general terms, our settlement has several important points that we think fully and demonstrably remedy the middleware issues that were at the heart of the monopoly maintenance claim.

In particular, our decree contains a very broad definition of middleware that specifically includes the forms of platform software that have been identified as potential operating system threats today and likely to emerge as operating system threats in the future. It prohibits in the broadest terms the types of contractual restrictions and exclusionary arrangements the Court of Appeals found to be unlawful. It fences in those prohibitions with appropriate non-discrimination and non-retaliation provisions, and it creates an environment in which middleware developers can create programs that compete with Microsoft on a function-by-function basis through a regime of mandatory API documentation and disclosure.

In the most simple terms, we believe our remedy will permit the development and deployment of middleware product without fear of retaliation or economic disadvantage. That is what we believe and what the court found that consumers actually lost through Microsoft's unlawful conduct, and that is what we think consumers will gain through our remedy.

With specific reference to what Mr. Barksdale said, if I may, I have not reviewed Mr. Barksdale's letter. I know that in this particular situation, with so much at stake in this particular settlement, I have seen lots of hyperbolic statements. I certainly wouldn't necessarily characterize his in that vein without having read it in some detail.

I would note, however, that—

The Chairman. Mr. James, we are going to give you an opportunity to do that because I want you to look at it. You can feel free to

call it hyperbolic or however, but I would ask that you and your staff look at his letter, which does raise some serious questions, and I would like to see what response you have for the record.

Mr. James. I would be happy to do so. And with that, I would be happy to answer your questions.

The Chairman. Did you have more that you wanted to say on the letter?

Mr. James. No, sir. I am happy to respond to what you folks want to talk about.

The Chairman. The Department of Justice has been involved in litigation against Microsoft for more than 1 years. I am one of those who had hoped throughout that that the parties might come to some conclusion. I think that if you can have a fair conclusion, it is in the best interests of the consumers, the Government, Microsoft, competitors, and everybody else. I have no problem with that, but that presupposes the right kind of settlement.

Over the course of those 1 years, the parties entered into one consent decree that just ended up with a whole lot more litigation over the terms of that consent decree. I mention that because you take this settlement and it is already being criticized by some for the vagueness of its terms and its loopholes. Judge Robert Bork warned, and I think I am quoting him correctly, "It is likely to guarantee years of additional litigation."

Now, what kind of assurances can you give or what kind of predictions can you give that if this settlement is agreed to by the court that we are going to see an end to this litigation and we are going to have a stop to this kind of merry-go-round of Microsoft litigation concerning compliance or even the meanings of the consent decree?

I notice a lot of people in this room on both sides of the issue. I have a feeling that they are here solely because of their interest in Government and not because the meter is running. A lot of us would like to see this thing end, but why do you feel that this settlement is so good that that is going to end?

Mr. James. Well, Senator, that is certainly a legitimate question and I understand the spirit in which it is asked. One of, I think, the facts of life is that one of the reasons that we have so many antitrust lawyers, and perhaps why there are so many of them in this room, is that firms with substantial market positions very often are the subject of appropriate antitrust scrutiny, and so it is with Microsoft and so it should be.

Our settlement here is a settlement that resolves a fairly complex piece of litigation. It by its terms is going to be a complex settlement, inasmuch as it does cover a broad range of activities and has to look into the future prospectively in a manner that benefits consumers. And some of that consumer benefit certainly will come from the development of competing products. Some of that consumer benefit, however, will come from competition from Microsoft as it moves into other middleware products, et cetera.

We think that the terms of the decree are certainly enforceable. I think so much of what has been called a loophole are things that are carve-outs necessary to facilitate pro-competitive behavior, and we certainly think

that the enforcement power embodied in this decree—I would say an unprecedented level of enforcement power, three tiers of enforcement power—is sufficiently to let the Department of Justice do its job.

The Chairman. But keep in mind that usually in these kinds of decrees, if it is not specifically laid out, the courts tend to decide the vague questions against the Government, not for the Government. Fortune Magazine said even the loopholes have loopholes—a pretty strong statement from a very pro-business magazine. The settlement limits the types of retaliation Microsoft can take against PC manufacturers that want to carry or promote non-Microsoft software, but some would say that it gives a green light to other types of retaliation.

Now, why doesn't the settlement ban all types of retaliation? The Court of Appeals said twice that if you commingle the browser and operating system code, you violate Section of the Sherman Act. The proposed settlement contains no prohibition on commingling code. There is no provision barring the commingling of browser code and the operating code. So you have got areas where they can retaliate. You don't have the barring of this commingling of code.

I mean, are Fortune Magazine, Judge Bork and others justified in thinking there are a few too many loopholes here, notwithstanding the levels of enforcement?

Mr. James. Let me take your points in order. First, on the subject of retaliation, retaliation is a defined term in this decree. It is a term that we are using to define a sort of conduct that Microsoft can engage in when it engages in ordinary commercial transactions.

I don't think that there is any scope in the bounds of this case to prohibit Microsoft from engaging in any form of collaborative conduct with anyone in the computer industry, and certainly the types of collaborative conduct that are permitted, the so-called loopholes, are the type of conduct that is permitted under standard Supreme Court law embodied in decisions like *Broadcast Music v. NCAA*, and also embodied in the Federal Trade Commission-Department of Justice joint venture guidelines as sanctioned forms of conduct. So we think that antitrust lawyers certainly can understand these types of issues and we think the courts can understand these types of issues.

Secondly, with regard to your more particular point about commingling code, it is certainly the case that the Court of Appeals, following upon the district court decision, found that Microsoft had engaged in an act of

STATEMENT OF SENATOR JEFF SESSIONS BEFORE THE SENATE COMMITTEE ON THE JUDICIARY "THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE"

December 12, 2001

I am troubled by the decision of Committee, acting in its official capacity, to send a transcript of this hearing to the federal district court that will determine the outcome of this pending litigation. By taking the apparently unprecedented step of sending a transcript of a hearing on pending litigation to the judge that is deciding the case, this

Committee may have unintentionally traversed the critical boundary between attempting to inform the court and attempting to influence it.

The Constitution vests the legislative power in the Congress, Article I, §1, the executive power in the President, Article II, §1, and the judicial power in the Supreme Court and lower federal courts, Article III, §1. Thus, Congress has the power to make law pursuant to its enumerated powers, the President has the power to enforce these laws, and the courts have the separate power to "say what the law is"—"to rule on cases ... to decide them," *Marbury v. Madison*, U.S. (Cranch) 137, 17(1803); *Plaut v. Spendthrift Farm, Inc.*, 51 U.S. 211, 21(1995).

The separation of powers principle not only outlines the distinct spheres of operation of the three branches of government but also guides the branches in their dealings with each other. It is crystal clear that the Framers of our Constitution intended to have a judiciary that is independent of Congress. The provision for judges to hold office during good behavior in Article III, 1, for example, was said by Alexander Hamilton to constitute an "excellent barrier to the encroachments and oppressions of the representative body." *THE FEDERALIST NO. 78*, at 46(Hamilton) (Clinton Rossiter ed., 1961). Thus, with respect to this case, Congress, the Senate, and this Committee, should defer to the court to decide the case by exercising its independent judgement. A publicized congressional hearing and a transcript submission to the court can only be perceived as an attempt to create for senators a status at a Tunney Act hearing that neither the court nor the Tunney Act permits.

While the Tunney Act provides that a district court should accept comments from the public on a proposed antitrust settlement agreement, it does not provide for any role by the legislative branch in such a hearing. See Pub. L. No. 93-52(1974). Indeed, the Congressional Research Service has informed me that it has found "no instances in which any comments—whether Hearing transcripts, summaries of Hearing transcripts, or other written communications—were sent to" the district court in a Tunney Act hearing. Congressional Research Service, Memorandum (Dec. 18, 2001).

While any senator may file comments on a proposed settlement agreement as a private citizen, it infringes upon the separation of powers Page of principle for the Senate or this Committee officially to do so. It is the litigants and the public that inform the court in a Tunney Act hearing, not the Congress. See Pub. L. No. 93-528. For this Committee to submit its views on the merits of pending litigation creates the appearance of an attempt to influence the Article III federal court in the exercise of its independent judicial power.

In addition to my constitutional concern, I have an underlying prudential concern. This transcript will include several statements from Senators opining on the merits of the Microsoft settlement agreement. A case such as this one involves a complex body of law and an extraordinary amount of evidence. Neither I nor, to the best of my knowledge,

any other member of this Committee or of the Senate has had an opportunity to thoroughly review the law and the facts of this case.

Consequently, our opinion with respect to this non-legislative matter is worth no more than that of any other reasonably informed citizen who may submit information to the court. There is no legitimate rationale for any court to give more weight to our opinions, whether stamped with the imprimatur of this Committee or not, than to the opinions of others. Accordingly, I respectfully object to the Chairman and Ranking Member's decision, without a vote of the Committee, to submit on behalf of the Committee, a copy of the transcript of this hearing to the district court.

STATEMENT OF CHARLES A. JAMES ASSISTANT ATTORNEY GENERAL ANTITRUST DIVISION BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE CONCERNING THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE PRESENTED ON DECEMBER 12, 2001

Mr. Chairman and members of the Subcommittee, I am pleased to appear before you today to discuss the Department's still-pending antitrust enforcement action against Microsoft Corporation.

On November 2, 2001, the Department stipulated to entry of a proposed consent decree that would resolve the case. Nine states joined in the proposed settlement." We are in the midst of the 60-day public comment period under the Tunney Act, after which we will file a response to the comments, and the district court will rule on whether the proposed consent decree is in the public interest. Nine other states, and the District of Columbia, have not signed the proposed consent decree.

The Department's position regarding the proposed settlement is set forth in documents filed in the pending Tunney Act proceeding. Because of the pendency of the proceeding, and the somewhat remote possibility that the case will return to litigation, I am somewhat limited in what I can say about the case and settlement. Nonetheless, I am happy to appear before you today to discuss in general terms how the settlement promotes the public interest by resolving the allegations sustained by the court of appeals.

When we in the Department address the Microsoft case, it is important for us (New York, Ohio, Illinois, Kentucky)", Louisiana, Maryland, Michigan, North Carolina, and Wisconsin to ignore the media spectacle and clash-of-the-titans imagery, and focus instead on the actual legal dispute presented to the court. In discussing the case and the proposed consent decree, it is important to keep in mind not only , , 'hat the Department alleged in our complaint, but how the courts—in particular, the DC Circuit—ruled. As a result of the appeals court's ruling, the case is in many important respects considerably narrower than the one the Department originally brought in the spring of 1999 and narrower still than Judge Jackson's ruling in June of 2000.

I would like to take a few minutes to refocus attention on the legal allegations charged in the complaint, how those allegations were resolved in the courts, and

the remedies in the proposed consent decree presently undergoing Tunney Act review. I believe these proposed remedies fully and demonstrably resolve the monopoly maintenance finding that the DC Circuit affirmed.

The complaints filed by the Department, the states, and the District of Columbia alleged: (1) that Microsoft had engaged in a series of specific anticompetitive acts, and a course of anticompetitive conduct, to maintain its monopoly position in the market for operating systems designed to run on Intel-compatible personal computers, in violation of Section of the Sherman Act; (2) that Microsoft had attempted to monopolize the web browser market, also in violation of Section 2; (3) that Microsoft had illegally tied its web browser, Internet Explorer, to its operating system, in violation of Section 1; and (4) that Microsoft had entered into exclusive dealing arrangements that also violated Section 1. A separate monopoly leveraging claim advanced by the state plaintiffs was dismissed prior to trial. After a full trial on the merits, the district court ultimately sustained the first three claims, while finding that the exclusive dealing claim had not been proved.

The DC Circuit, however, significantly narrowed the case, affirming the district court's finding of liability only as to the monopoly maintenance claim, and even there only as to a smaller number of specified anticompetitive actions. Of the twenty anticompetitive acts the court of appeals reviewed, it reversed with respect to eight of the acts that the district court had sustained as elements of the monopoly maintenance claim. Additionally, the DC Circuit reversed the lower court's finding that Microsoft's "course of conduct" separately violated Section of the Sherman Act. It reversed the district court's rulings on the attempted monopolization and tying claims, remanding the tying claim for further proceedings under a much more difficult rule of reason standard. And, of course, it vacated the district court's final judgment that had set forth the break-up remedy and interim conduct remedies.

The antitrust laws do not prohibit a firm from having a monopoly, but only from illegally acquiring or maintaining a monopoly through interference with the competitive efforts of rivals. There has never been any serious contention that Microsoft acquired its operating system monopoly through unlawful means, and the existence of the operating system monopoly itself was not challenged in this case.

With regard to the monopoly maintenance claim, the court of appeals upheld the conclusion that Microsoft had engaged in unlawful exclusionary conduct by using contractual provisions to prohibit computer manufacturers from supporting competing middleware products on Microsoft's operating system; by prohibiting consumers and computer manufacturers from removing Microsoft's middleware products from the desktop; and by reaching agreements with software developers and third parties to exclude or disadvantage competing middleware products—all to protect Microsoft's monopoly in the operating system market.

The Department proved that Microsoft had engaged in these anticompetitive practices to discourage the development and deployment of rival web browsers and Java technologies, in an effort to prevent them from becoming middleware threats to its operating system monopoly. Netscape had gained a respectable market share as a technology for navigating the then-burgeoning Internet, and Netscape proponents were touting the prospect of a new world of Internet computing that would make operating systems less relevant. Netscape touted its web browser as a new category of software that came to be known as "middleware," a form of software that, like Microsoft's Windows operating system, exposed a broad range of applications program interfaces ("APIs") to which software developers could write applications. This created the potential that—if Netscape Navigator continued to gain market share and could run on operating systems other than Microsoft's, and if large numbers of software developers wrote applications programs to it—computer users would have viable competitive alternatives to Microsoft.

The middleware threat was nascent. That is, as both the district court and the court of appeals acknowledged, it was a potential threat to the operating system monopoly that had not yet become real. It could not be predicted when, if ever, enough applications programs would be written to middleware products for middleware to significantly displace Microsoft operating systems. Microsoft took this nascent middleware threat to its operating system monopoly seriously. The trial record disclosed a corporate preoccupation with thwarting Netscape and displacing Netscape's Navigator with Microsoft's Internet Explorer as the prevailing web browser. This campaign featured a host of strong-arm tactics aimed at various computer manufacturers, Internet access providers, and independent software developers. Even the decision to integrate its own browser into the operating system—in effect, giving it away for free—had an element of impeding the growth of Netscape and once was described as taking away Netscape's oxygen. Microsoft took similar actions against Java technologies. Among other things, Microsoft required software developers to promote its own version of Java technology exclusively and threatened developers if they assisted competing Java products.

The district court ruled not only that Microsoft had engaged in various specified illegal exclusionary practices, but that these acts were part of an overall anticompetitive course of conduct. The DC Circuit agreed as to some of the specified practices, while ruling that others—for example, Microsoft's practice of preventing computer manufacturers from substituting their own user interfaces over the Windows interface supplied by Microsoft—were justified and thus lawful. The DC Circuit also rejected the course-of-conduct theory, under which Microsoft's specific practices could be viewed as parts of a broader, more general monopolistic scheme, ruling that Microsoft's practices must be viewed individually.

Following the appellate court's instructions, we, in considering a possible

remedy, focused on the specific practices that the court had ruled unlawful. We took as a starting point the district court's interim conduct remedies. Those remedies, however, were based on a much wider range of liability findings than had been affirmed on appeal. Accordingly, they had to be tailored to the findings that had actually been affirmed. Further, because the interim conduct remedies were designed to apply only as a stop-gap until the district court's divestiture order was implemented, we broadened them in important respects to more fully address the remedial objectives of arresting the anticompetitive conduct, preventing its recurrence, and restoring lost competition to the marketplace. Finally, we updated the remedies to strengthen their long-term effectiveness in the face of the rapid technological innovation that continues to characterize the computer industry—so that the, " will be relevant in the Windows XP operating system world and beyond.

Under the proposed consent decree, Microsoft will be required to disclose to other software developers the interfaces used by Microsoft's middleware to interoperate with the operating system, enabling other software developers to create competing products that emulate Microsoft's integrated functions. Microsoft will also have to disclose the protocols that are necessary for software located in a server computer to interoperate with Windows on a PC. Microsoft will have to permit computer manufacturers and consumers to substitute competing middleware software on the desktop. It will be prohibited from retaliating against computer manufacturers or software developers for supporting or developing certain competing software. To further guard against possible retaliation, Microsoft will be required to license its operating system to key computer manufacturers on uniform terms for five years.

Microsoft will be prohibited from entering into agreements requiring the exclusive support or development of certain Microsoft software, so that software developers and computer manufacturers can continue to do business with Microsoft while also supporting and developing rival middleware products. And Microsoft will be required to license any intellectual property to computer manufacturers and software developers necessary for them to exercise their rights under the proposed decree, including, for example, using the middleware protocols disclosed by Microsoft to interoperate with the operating system.

And assumption that, had we litigated the remedy, we were certain to have secured all of this relief and possibly more misses the mark. The middleware definition, for example, was a very complex issue and would have been hard fought in a litigated remedy proceeding. The term had no generally accepted industry or technical meaning. At the time of trial, the term, as used to describe software programs that exposed APIs. But in today's world, by virtue of the extensive degree to which software programs interact with each other, a very broad range of programs—large and small, simple and complex—expose APIs. At the same time, middleware had to be defined

more broadly than the browser, or it would not provide sufficient protection for the potential sources of competition that might emerge. So we developed a definition of middleware, designed to encompass all technologies that have the potential to be middleware threats to Microsoft's operating system monopoly. It captures, in today's market, Internet browsers, e-mail client software, networked audio/video client software, and instant messaging software. On a going-forward basis, it also provides guidelines for what types of software will be considered middleware for purposes of the decree in the future. These guidelines are critical because, while it is important that future middleware products be captured by the proposed decree, those products will not necessarily be readily identified as such.

The proposed decree protects competition in the middleware market through a variety of affirmative duties and prohibitions, which I listed a minute ago. By requiring disclosure of a broad range of interfaces and protocols that will secure interoperability for rival software and servers, broadly banning exclusive dealing, giving computer manufacturers and consumers extensive control of the desktop and initial boot sequence, and prohibiting a broad range of retaliatory conduct, the proposed decree will require Microsoft to fundamentally change the way in which it deals with computer manufacturers, Internet access providers, software developers, and others.

These prohibitions had to be devised keeping in mind that Microsoft will continue for the foreseeable future to have a monopoly in the operating systems market. While we recognized that not all forms of collaboration between Microsoft and others in the industry are anticompetitive, and that some actually benefit competition, we drafted the non-discrimination and non-retaliation provisions broadly enough to prevent Microsoft from using its monopoly power to apply anticompetitive pressure in this fashion.

We concluded, particularly in light of intervening technological developments in the computer industry, that the remedial objective of restoring lost competition had to mean something different than attempting to restore Netscape and Java specifically to their previous status as potential nascent threats to Microsoft's monopoly. Attempting to turn back the hands of time would likely prove futile and would risk sacrificing important innovations that have moved the industry beyond float point. So we focused instead on the market as it exists today, and where it appears to be heading over the next few years, and devised a remedy to recreate the potential for the emergence of competitive alternatives to Microsoft's operating system monopoly through middleware innovations. With a reported 70,000-odd applications currently designed to run on Windows, the applications barrier to entry is quite formidable. The most effective avenue for restoring the competitive potential of middleware, we concluded, was to ensure that middleware developers had access to the technical information necessary to create middleware programs that could compete with Microsoft in a meaningful way—that is, by requiring Microsoft to disclose the APIs

needed to enable competing middleware developers to create middleware that matches Microsoft's in efficiency and functionality.

API disclosure had apparently been a very difficult obstacle to resolution of the case at every stage. There had never been an, "allegation in the case that Windows was an essential facility, the proprietary technology for which had to be openly shared in the industry. So we are very pleased that we were able to secure this crucial provision in the proposed decree.

Similarly, the proposed decree goes beyond the district court's order in requiring Microsoft to disclose communications protocols for servers if they are embedded in the operating system, thereby protecting the potential for server-based applications to emerge as a competitive alternative to Microsoft's operating systems monopoly. Although the issue of Microsoft's potential use of its monopoly power to inhibit server-based competition was barely raised and never litigated in the district court, we believed it was an important concern to resolve in the final negotiations.

The proposed decree also requires Microsoft to create and preserve "default" settings, such that certain of Microsoft's integrated middleware functions will not be able to override the selection of a third-party middleware product, and requires Microsoft to create add/delete functionality to make it easier for computer manufacturers and users to replace Microsoft middleware functionality with independently developed middleware. These are other important respects in which, in light of intervening technological changes, the proposed decree goes beyond the relief contemplated in the district court's interim relief order. By giving middleware developers the means of creating fully, competitive products, requiring the creation of add/delete functionality, and making it absolutely clear that computer manufacturers can, in fact, replace Microsoft middleware on the desktop, the decree will do as much as possible to restore the nascent threat to the operating system monopoly that browsers once represented.

The proposed decree contains some of the most stringent enforcement provisions ever contained in any modern consent decree. In addition to the ordinary prosecutorial access powers, backed up by civil and criminal contempt authority, this decree has two other aggressive features. First, it requires a full-time, on-site compliance team—complete with its own staff and the power to hire consultants—that will monitor compliance with the decree, report violations to the Department, and attempt to resolve technical disputes under the disclosure provisions. The compliance team will have complete access to Microsoft's source code, records, facilities, and personnel. Its dispute resolution responsibilities reflect the recognition that the market will benefit from rapid, consensual resolution of issues whenever possible, more so than litigation under the Department's contempt powers. The dispute resolution process complements, but does not supplant, ordinary methods of enforcement. Complainants may bring their inquiries directly to the Department if they choose.

The decree will be in effect for five years. It also contains a provision under which the term may be extended by up to two additional years in the event that the court finds that Microsoft has engaged in repeated violations. Assuming that Microsoft will want to get out from under the decree's affirmative obligations and restrictions as soon as possible, the prospect that it might face an extension of the decree should provide an extra incentive to comply.

Our practice with regard to enforcement is never influenced by the extent to which we "trust" a defendant. Rather, a decree must stand on its own as an enforcement vehicle to ensure effective relief and must contain enforcement provisions sufficient to address its inherent compliance issues. In this case, those compliance issues are complex, as the decree seeks to address Microsoft's interactions with firms throughout the computer industry. Under the circumstances, I believe the extraordinary nature of the decree is warranted.

Some have criticized the decree for not going far enough. Some have asked why we did not continue to pursue divestiture as a possible remedy. We had several reasons. First, the court of appeals made it clear that it viewed the break-up remedy with skepticism, to put it mildly. The court ruled that on remand the district court must consider whether Microsoft is a unitary company—i.e., one that could not easily be broken up—and whether plaintiffs established a significant causal connection between Microsoft's anticompetitive conduct and its dominant position in the market for operating systems—a finding not reached by the prior judge.

Second, the legal basis for the structural separation the Department had been seeking was undercut by the failure to sustain the two claims that had challenged Microsoft's right to compete outside its operating system monopoly by integrating new functions into Windows, the attempted monopolization claim and the tying claim. The former was dismissed, and the latter was remanded under a much more difficult rule-of-reason standard. The court of appeals ruled that, albeit with some limits, Microsoft could lawfully integrate new functions into the operating system and use the advantages flowing from its knowledge and design of the operating system to compete in downstream markets.

Third, and more generally, tile relief in a section 2 case must have its foundation in the offending conduct. The monopoly maintenance finding, as modified by tile court of appeals, and without the "course-of-conduct" theory, would not in our view sustain a broad-ranging structural remedy that went beyond what was necessary to address Microsoft's unlawful responses to the middleware threat to its operating system monopoly. Indeed, our new district judge, Judge Kollar-Kotelly, stated in open court that she expected our proposed remedy to reflect the fact that portions of our case had not been sustained.

Finally, from a practical standpoint, even assuming that we could have eventually secured a breakup of Microsoft—a very dubious assumption in light of what the

court of appeals and Judge Kollar-Kotelly have stated—the time it would have taken to continue litigating the break-up and the inevitable appeals could easily have delayed relief for another several years. By taking structural relief off the table at the outset of the remedy proceeding on remand, we were able to get favorable procedural rulings that were essential to moving quickly to a prompt resolution.

More generally, a number of critics have suggested ways in which we could have further constrained Microsoft's conduct in the marketplace—either by excluding it from markets outside the operating system market, restricting it from integrating functions into its products or collaborating with others, or requiring it to widely share its source code as an open platform. While it is certainly true that restrictions and requirements of this sort might be desirable and advantageous to Microsoft's competitors, they would not necessarily be in the interest of competition and consumers overall; many would reduce consumer choice rather than increase it. Moreover, to the extent these restrictions go beyond what is needed to remedy proven antitrust violations, they are not legitimate remedial goals. The objectives of civil antitrust enforcement are remedial, and they focus on protecting and restoring competition for the benefit of consumers, not on favoring particular competitors.

As to more complex questions regarding whether the decree has properly covered all the elements that will be needed for full relief, questions of that nature are entirely appropriate and hopefully will be raised and addressed in the Tunney Act process.

But I believe the decree, by creating the opportunity for independent software vendors to develop competitive middleware products on a function-by-function basis, by giving computer manufacturers the flexibility to place competing middleware products on Microsoft's operating system, and by monopolization in that it commingled code for the purpose of preventing the Microsoft browser from being removed from the desktop. That is certainly the finding of the Court of Appeals.

Now, in the process of going through my preparation for this hearing, I went back and looked at the Department of Justice's position with regard to this. Throughout the course of the case, and even in the contempt proceeding involving the former tying claims, it has always and consistently been the Department of Justice's contention that it did not want to force Microsoft to remove code from the operating system. They have said that over and over again in every brief that has been filed in this case.

What the Department of Justice wanted was an appropriate functionality that would give consumers the choice between middleware functionalities. That is exactly the remedy that we have here and we think it is an effective remedy. We have gone beyond that particular aspect of this by including into our decree a specific provision that deals with the questions of defaults; in other words, the extent to which a non-Microsoft middleware product can take over and be invoked automatically in place of a Microsoft middleware product. That is

something that was not in the earlier decrees. It is a step beyond what was included in Judge Jackson's order.

We think that we have addressed the product integration aspects of the Microsoft monopoly maintenance claim in exactly the terms that the Department has always pursued with regard to that particular issue, and we are completely satisfied with that aspect of the relief.

The Chairman. Well, I have a follow-up on that, as you probably expect, but my time is up and I want to yield to Senator DeWine. Actually, I have a follow-up on the retaliation, also, but I do appreciate your answer.

Senator DeWine?
Senator DeWine. Thank you, Mr. Chairman.

Mr. James, this case has been certainly very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the high-tech industry.

Netscape, for example, vocally opposed Microsoft during this litigation. Many of Netscape's complaints really were validated by the courts, and yet Netscape ended up losing the battle. This sort of result has led some to question whether our antitrust laws can be effective in this particular industry.

I personally believe that the antitrust laws are essential to promoting competition within the industry and throughout the country, but I would like to hear what your views are on this subject. What lessons do you think this case teaches us in regard to that and what do we say to people like Netscape?

Mr. James. Well, it is certainly the case that our judicial system very often can provide a crude tool for redressing particular issues quickly. I would note that this particular case was litigated on a very fast track and the people at the Department of Justice are to be really commended for pushing this case along at even the speed that it is has taken, considering the comparable speed of other cases.

I think, however, that the case stands for an important proposition, and that is that the Department of Justice is up to meeting the challenge, that it has the tools at its disposal to investigate unlawful conduct, to understand and appreciate the implications of what complex technical matters involve, to bring the resources to bear in order to litigate these cases to a successful conclusion, and, where appropriate, to teach a settlement that is in the public interest.

One of the things that I think is an important issue to note here is that there is certainly a time difference between litigating a matter of original liability and litigating a matter involving compliance with a term of a decree.

We think that the enforcement powers that are involved here are appropriate ones. We think that enforcement by the Department of Justice is the appropriate way to proceed in these matters, and we are confident that this provides the sort of best mechanism for dealing with a complex matter in complex circumstances.

Senator DeWine. One provision of the Proposed Final Judgment requires Microsoft

to allow computer manufacturers to enable access to competing products. However, for a product to qualify for these protections, it must have had a million copies distributed in the United States within the previous year. This would seem to me to run contrary to the traditional antitrust philosophy of promoting new competition.

Why are these protections limited to larger competitors?

Mr. James. I am actually glad you asked that question, Senator, because that is one of the prevailing, I think, misconceptions of the decree. The provisions of the decree that require Microsoft to allow an OEM to place a middleware product on the desktop apply without regard to whether or not that product has been distributed by one million people. That is absolute requirement.

The million-copy distribution provision relates solely to the question of when Microsoft must undertake these affirmative obligations to create defaults, for example, for a middleware product to provide other types of assistance to someone who has developed that product.

The fact of the matter is that this is something that requires a great deal of work, particularly these complex matters of setting defaults which is very important to the competitive circumstances here. And it would be very difficult to impose upon Microsoft the responsibility for making these alterations to the operating system and making them for every subsequent release of the operating system to be automatic in the case of any software company that just shows up and says I have a product that competes.

But I want to be very clear here, Senator. Every qualifying middleware product, without regard to how many copies it has distributed—an OEM can place that product on the desktop immediately, without regard to this one-million threshold.

Quite frankly, in today's world, one million copies distributed is not a substantial matter. I think in the last year I might have gotten a million copies of AOL 5.0 in the mail. So I don't think that that is really a very large impediment.

Senator DeWine. Let me ask one last question. You have mentioned that a number of provisions in the settlement go beyond the four corners of the case, but Microsoft agreed to these conditions anyway.

What are they, and what is the goal of these provisions?

Mr. James. Well, I think one of the most important ones is the default provision. As of the time of our original case, these middleware products were operated in a fairly simple way. You clicked on that product, you invoked that product, and then you used it in whatever way was appropriate.

In today's world, software has changed. We see what they call a more seamless user interface, user experience, and it is necessary for people to operate deeply within the operating system on an integrated basis. There were allegations that Microsoft overrode consumer choice in these default mechanisms in the case.

With regard to each and every one of those instances alleged by the Justice Department, the Justice Department lost. The court found for Microsoft. Notwithstanding that, as a

matter of fencing in and improving the nature of this decree, we have included into this issue the subject of defaults.

Another important area, I think, is the question of server interoperability, and that is a very, very important issue as we see going forward. I think if you go back and read the complaint in this case, you will find that the word "server" almost virtually never appears. There are no sort of very specific allegations that go to this. We thought this was an important alternative platform issue. We thought it was important to stretch for relief in this case, and we did so and got, I think, relief that is very effective in preserving this as people go into an environment of more distributed Web processing. So we think that that is a very powerful thing.

I think these are two issues that the Department of Justice would have had a very, very difficult time sustaining in court, to the extent the court was inclined to limit us to the proof that we put forward. So I think that these are very positive manifestations of the settlement.

Senator DeWine. Thank you, Mr. Chairman.

The Chairman. We are checking one thing, and I mention this to Senator Kohl, Senator Sessions, and Senator Cantwell, who have been here waiting to ask questions. We are finding out from the floor. We have been notified that there may have been a move, as any Senator has a right to do under our Senate rules, to object to committees meeting more than two hours after the Senate goes in session.

We are on the farm bill and appropriations and other essential matters, so that I have been told that a Senator has objected, as every Senator has a right to do, to us continuing. As a result, because the Senators say they want us to concentrate on what is going on on the Senate floor, we have to respect the rules of the Senate. I do, and I am going to have to recess this hearing at this time.

I am going to put into the record the statements of all those who have come here to testify.

[The prepared statement of Mr. James follows:]

[The prepared statements of Messrs. Himes, Rule, Lessig, Cooper, Zuck, Szulik, and Kertzman follow:]

The Chairman. Senator Hatch and I will try to find a time we might reconvene this hearing, because both Senator Hatch and I feel this is a very important hearing.

The record will be open for questions that might be submitted. I apologize to everybody. We did not anticipate this. But with 100 Senators, every so often somebody exercises that rule. I would emphasize Senators have the right to exercise that rule, especially when we are in the last three weeks of the session. I think we are going to break for Christmas Day, but we are in the last three weeks of the session, and I think the Senator invoking the rule wants to make sure all Senators pay attention to the work on the floor.

Senator Hatch. Mr. Chairman?

Senator Sessions. Mr. Chairman?

The Chairman. but Senator Hatch? Senator Hatch.

We really are technically out of time,

Mr. Chairman, we are out of time. Any Senator can invoke the two-hour rule and a Senator has done that. Fortunately, I think it was against the Finance Committee markup today, but we reported out the bill anyway right within the time constraint. That is where I went.

Both Senator Leahy and I apologize to the witnesses who have put such an effort into being here today because this is an important hearing. These are important matters to both sides—to all sides. I should say; there are not just two sides here. These matters have a great bearing on just how positively impactful the United States is going to be in these areas.

So I hope that we can reconvene within a relatively short period of time and continue this hearing because it is a very, very important hearing. We apologize to you that this has happened, but as Senator Leahy has said, a Senator can do that.

The Chairman. Well, it is out of our hands, but I would note that normally I would have recessed it until tomorrow, but tomorrow we are using this time for an executive committee meeting of the Judiciary Committee to do, as we have done many times already, to vote out a large number of judges.

So with that, we stand in—Jeff, I am sorry. Senator Sessions. Just, Mr. Chairman, a matter of procedure. I am troubled by what I understand to be a decision to send this transcript to the court as an official document from Congress in the middle of a litigation that is ongoing.

I would think that anybody's statement that they gave could be sent to the court. Any Senator can write a letter to the court. I haven't studied it fully, but just as a practitioner, it troubles me to have a meddling—

The Chairman. That record is open to anybody who wants to send anything in. Senator Hatch and I have made that decision and that will be the decision of the committee.

Senator Sessions. I would be recorded as objecting.

The Chairman. Of course, I understand. We stand adjourned.

[Whereupon, at 11:43 a.m., the committee was adjourned.]

STATEMENT OF SENATOR PATRICK LEAHY, CHAIRMAN, SENATE COMMITTEE ON THE JUDICIARY HEARING

"THE MICROSOFT SETTLEMENT: A LOOK TO THE FUTURE"

December 12, 2001

The proposed settlement that the Department of Justice and nine States have transmitted to the District Court offers a plan for the conclusion of this landmark antitrust litigation. It must now pass the legal test set out in the Tunney Act to gain court approval. That test is both simple and broad, and requires an evaluation of whether the proposed settlement is in the public interest. There is significant difference of opinion over how well the proposed settlement passes this legal test. In fact, the States participating in the litigation against Microsoft are evenly split, with nine States

joining in the proposed settlement and nine non-settling States presenting the court with an alternative remedy. As the courts wrangle with the technical and complex legal issues at stake in the case, this committee is conducting hearings to educate ourselves and the public about what this proposed settlement really means for our high-tech industry and for all of us who use computers at work, at school, and at home.

Scrutiny of the proposed settlement by this committee during the course of the Tunney Act proceeding is particularly important. The focus of our hearing today is to examine whether the proposed settlement is good public policy and not on the legal technicalities. The questions raised here and views expressed may help inform the court. I plan with Senator Hatch to forward to the court the record of this hearing for consideration as the court goes about the difficult task of completing the Tunney Act proceedings and the remedy action by the non-settling States.

I am especially concerned that the District Court take the opportunity seriously to consider the remedy proposal of the non-settling States before making her final determination on the other parties' proposed settlement. The insights of the other participants in this complicated and hard-fought case will surely be valuable additions to the comments received in the Tunney Act proceeding and help inform the evaluation whether the settlement is in the public interest.

The effects of this case extend beyond simply the choices available in the software marketplace. The United States has long been the world leader in bringing innovative solutions to software problems, in creating new tools and applications for use on computers and the Web, and in driving forward the flow of capital into these new and rapidly growing sectors of the economy. This creativity is not limited to Silicon Valley. The Burlington, Vermont, area ranks seventh in the nation in terms of patent filings. Whether the settlement proposal will help or hinder this process, and whether the high tech industries will play the important role that they should in our Nation's economy, is a larger issue behind the immediate impact of this proposal.

With that in mind, I intend to ask the representatives of the settling parties how their resolution of this conflict will serve the ends that the antitrust laws require. Our courts have developed a test for determining the effectiveness of a remedy in a Sherman Act case: The remedy must end the anticompetitive practices, it must deprive the wrongdoer of the fruits of the wrongdoing, and it must ensure that the illegality does not recur. The Tunney Act also requires that any settlement of such a case serve the public interest. These are all high standards, but they are reasonable ones. In this case, the DC Circuit, sitting en banc and writing unanimously, found that Microsoft had engaged in serious exclusionary practices, to the detriment of their competitors and, thus, to all consumers. Today, we must satisfy ourselves that these matters have been addressed and redressed, or find out why not.

I have noted my concern that the procedural posture of this case not jeopardize the opportunity of the non-settling States to have their "day in court" and not deprive the District Court of the value of their views on appropriate remedies in a timely fashion. In addition, I have two basic areas of concern about the proposed settlement. First, I find many of the terms of the settlement to be either confusingly vague, subject to manipulation, or both. Mr. Rule raised an important and memorable point when he last testified before this Committee in 1997 during the important series of hearings convened by Senator Hatch on competition in the digital age. Testifying about the first Microsoft-Justice Department consent decree, Mr. Rule said: "Ambiguities in decrees are typically resolved against the Government. In addition, the Government's case must rise or fall on the language of the decree; the Government cannot fall back on some purported "spirit" or "purpose" of the decree to justify an interpretation that is not clearly supported by the language." We take seriously such counsel, and would woe-y if ambiguity in the proposed settlement would jeopardize its enforcement.

Second, I am concerned that the enforcement mechanism described in the proposed decree lacks the power and the timeliness necessary to inspire confidence in its effectiveness. Particularly in light of the absence of any requirement that the decree be read in broad remedial terms, it is especially important that we inquire into the likely operation of the proposed enforcement scheme and its effectiveness.

Any lawyer who has litigated cases and any business person knows how distracting litigation of this magnitude can be and appreciates the value that reaching an appropriate settlement can have not only for the parties but also for consumers, who are harmed by anticompetitive conduct, and the economy. I do not come to this hearing prejudging the merits of this proposed settlement but instead as one ready to embrace a good settlement that puts an end to the merry-go-round of Microsoft litigation over consent decrees. But the serious questions that have been raised about the scope, enforceability and effectiveness of this proposed settlement leave me concerned that, if approved in its current form, it may simply be an invitation for the next chapter of litigation. On this point, I share the concern of Judge Robert Bork, who warns, in his written submission, that the proposed settlement "contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation." I look forward to hearing from the Department of Justice and other distinguished witnesses today on the merits of this warning.

STATEMENT OF SENATOR ORRIN G.
HATCH RANKING REPUBLICAN MEMBER
BEFORE THE

SENATE JUDICIARY COMMITTEE

HEARING ON "THE MICROSOFT
SETTLEMENT: A LOOK TO THE FUTURE"

Mr. Chairman, as you know, we conducted a series of hearings in this Committee in 1997

and 1998 to examine the policy implications of the competitive landscape of the then burgeoning high-tech industry, which was about to explode with the advent of the Internet. Those hearings focused on competition in the industry, in general, and, more specifically, complaints that Microsoft had been engaged in anti-competitive behavior that threatened competition and innovation to the detriment of consumers. Our goal was, and I believe today is, to determine how best to preserve competition and foster innovation in the high-technology industry.

Although the Committee, and I, as its Chairman, was criticized by some, I strongly believed then, and continue to believe now, that in a robust economy involving new technologies, effective antitrust enforcement today would prevent the need for heavy-handed government regulation of business tomorrow. My interest in the competitive marketplace in the high-technology industry was animated by my strong opposition to regulation of the industry, whether by the government, or by one or few companies. As we may remember, the hearings before the Judiciary Committee developed an extensive record of Microsoft's conduct, and evidenced various efforts by the company to maintain and extend its operating system monopoly. Those findings, I would note, were reaffirmed by a unanimous, and ideologically diverse Court of Appeals. The Microsoft case—and its ultimate resolution—present one of the most important developments in antitrust law in recent memory.

As I have emphasized before, having a monopoly is not illegal under our laws. In fact, in a successful capitalist system, striving to be one should be encouraged. However, anticompetitive conduct intended to maintain or extend this monopoly would harm competition and could violate our laws. I believe no one would disagree that the DC Circuit's decision reaffirmed the fundamental principle that a monopolist—even a monopolist in a high-tech industry like software—must compete on the merits to maintain its monopoly.

Which brings us to today's hearing. We are here to examine the policy implications of the proposed settlement in the government's antitrust litigation against Microsoft.

Mr. Chairman, rather than closing the book on the Microsoft inquiry, the proposed settlement appears to be only the end of the latest chapter. The settling parties are currently in the middle of the so-called Tunney Act process before the court. And, the non-settling parties have chosen to further litigate this matter and last week filed their own proposed settlement. This has been a complex case with significant consequences for Microsoft, high-tech entrepreneurs and the American public. The proposed settlement between Microsoft and the Justice Department and nine of the plaintiff State attorneys general is highly technical. We have all been studying it, and its impact, with great interest. Each of us has heard from some, including some of our witnesses here today, that the agreement contains much that is very good.

Not surprisingly, we have also heard and read much criticism of the settlement. These

are complex issues, and I would hope today's hearing will illuminate the many questions we have.

I should note that about two weeks ago, I sent a set of detailed and extensive questions about the scope, interpretation, and intended effects of the proposed settlement to the Justice Department, seeking further information. First, I want to commend the Department for getting the responses to me promptly.

We received them yesterday. I think the questions, which were made public, and the Department's responses could be helpful to each member in forming an independent and fair analysis of the proposed settlement.

To that end, and for the benefit of the Committee, Mr. Chairman, I would like to make both the questions and the Department's answers part of the record for this hearing, if you wouldn't have any objections.

As I noted in my November 29 letter to the Department, I have kept an open mind regarding this settlement, and continue to do so. I have had questions regarding the practical enforceability of the proposed settlement and whether it will effectively remedy the unlawful practices identified by the DC Circuit, and restore competition in the software market.

I am also cognizant of both the limitation of the claims contained in the original Justice Department complaint by the DC Circuit, as well as the standards for enforcement under settled antitrust law. I believe that further information regarding precisely how the proposed settlement will be interpreted, given DC Circuit case law, is necessary to any full and objective analysis of the remedies proposed therein. I hope that this hearing will result in the development of such information, that would supplement the questions I put forth to the Department.

Mr. Chairman, one important and critical policy issue that I would hope we can address today, and that I would like all of our witness to consider as they wait to be empaneled so that they can discuss, is the difficult issue of the temporal relation of antitrust enforcement in new high-technology markets.

It cannot be overemphasized that timing is a critical issue in examining conduct in the so-called "new economy." Indeed, the most significant lesson the Microsoft case has taught us is this fact. The DC Circuit found this issue noteworthy enough to discuss in the first few pages of its opinion. And I will quote from the unanimous court:

"[w]hat is somewhat problematic... is that just over six years have passed since Microsoft engaged in the first conduct plaintiffs allege to be anticompetitive. As the record in this case indicates, six years seems like an eternity in the computer industry. By the time a court can assess liability, firms, products, and the marketplace are likely to have changed dramatically. This, in turn, threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions

[I]nnovation to a large degree has already rendered the anticompetitive conduct obsolete (although by no means harmless)."

This issue is one that is relevant for this Committee to consider as a larger policy

matter, as well as how it relates to this case and the proposed settlement we are examining today. Again, I want to thank you Mr. Chairman for continuing the Committee's important role in high-technology policy matters, and I look forward to hearing from our witnesses today.

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FOR IMMEDIATE RELEASE:
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Contact: Lynn Becker or Jessica Carlin
Phone: (202) 224-5653 Statement of
Senator Herb Kohl

The Microsoft Settlement: A Look to the Future

This is a pivotal time for competition in the high tech sector of our economy. After spending more than three years pursuing its groundbreaking antitrust case against Microsoft—a case that is likely to rewrite the rules for competition in the high tech industry for years to come—the government has announced a settlement—But the crucial question remains—will this settlement break Microsoft's stranglehold over the computer software industry and restore competition in this vital sector of the economy?

Frankly, I have serious doubts that it will. An independent federal court—both the teal court and the Court of Appeals in fact—found that Microsoft broke the law and that its violations should be fixed. This antitrust case was as big as they come. Microsoft crushed a competitor, illegally tried to maintain its monopoly, and stifled innovation in this market. Now, after all these years of litigation, of charges and counter-charges, this settlement leaves us wondering—did we really accomplish anything? Or, in the words of the old song, is that all there is? Does this settlement obey the Supreme Court mandate that it must deny the antitrust violator “the fruits” of its illegal conduct?

It seems to many—including nine of the states that joined the federal government in suing Microsoft—that this settlement agreement simply is not strong enough to do the job—to restore competition to the computer software industry. It contains so many loopholes, qualifications and exceptions that many worry that Microsoft will be easily able to evade its provisions. Let me give just one example—the requirement that Microsoft must allow computer users to install competing software products only applies with respect to software that has had one million copies distributed in the last year. New software competitors just are not protected by this provision.

Today, for the vast majority of computer users, the first thing they see when they turn on their machine is the now familiar Microsoft logo, placed on the Microsoft start menu. And all of their computer operations take place through the filter of Microsoft's Windows operating system. Microsoft's control over the market is so strong that today more than 95% of all personal computers run on the Windows operating system, a market share high enough to

constitute a monopoly under antitrust law. Its share of the Internet browsing market is now over 85%. It reported a profit margin of 25% in the most recent quarter, a very high rate of return in challenging economic times.

Microsoft has the power to dictate terms to manufacturers who wish to gain access to the Windows operating system and the ability to leverage its dominance into other forms of computer software. And Microsoft has never been shy about using its market power. Are we really confident that, in five years, this settlement will have had any appreciable impact on these facts of life in the computer industry?

We today stand on the threshold of writing the rules for competition in the distal age. We've got two options. One option involves one dominant company controlling the computer desktop, facing minor restraints that expire in five years, but acting as a gatekeeper to 95% of all personal computer users. The other model is the flowering of innovation and new products that resulted from the break-up of the AT&T telephone monopoly nearly twenty years ago. From cell phones to faxes, from long distance price wars to the development of the Internet itself, the end of the telephone monopoly brought an explosion of new technologies and services that benefit millions of consumers every day. We should insist on nothing less in this case.

In sum, any settlement in this case should make the market for computer software at least as competitive as the market for computer hardware is today. While there's nothing wrong with settling, we should insist on a settlement that has an immediate, substantial, and permanent impact on restoring competition in this industry.

OPENING REMARKS OF SENATOR
RICHARD J. DURBIN

HEARING BEFORE THE SENATE
COMMITTEE ON THE JUDICIARY

ON

“THE MICROSOFT SETTLEMENT: A LOOK
TO THE FUTURE”

December 12, 2001

Ever since the Department of Justice and Microsoft announced, in early November, their plan to settle the long-running antitrust litigation, a lot of people have weighed in with their concerns.

This hearing is important because it provides those of us in Congress with the first real opportunity to examine the terms of the proposed Microsoft settlement, and to hear from all sides of this issue. I think it is important that everyone understands what this settlement means, both in terms of the specific details, and in the longer term ramifications, before they level any criticism.

It's also important to note that the proceeding is still ongoing, and that this matter is still before the judge in a “Tunney Act proceeding.” So, I hope today's hearing will shed valuable light on what this settlement means for all of us in an objective and educational way.

Like me, most of our constituents have owned and used personal computers for a long time, and most who do own computers utilize Microsoft Windows PC operating

systems. So we are very familiar with and have gotten quite used to Microsoft products and services. And it is our constituents who will bear the long-term impact of this settlement, whatever results that will mean in the market. I hope we keep that in mind as we scrutinize the terms agreed upon between the Justice Department, state attorneys general and Microsoft.

I think one of the difficulties that this settlement attempted to resolve is to try to address problems that arose in the past while, at the same time, anticipate and regulate potential anti-competitive conduct in the future.

In a technology industry that is innovative and constantly evolving, tiffs is obviously a challenge, and I'm sure there are issues that the settlement could not or did not anticipate. At this hearing, I'd like to learn what some of these missing issues are.

Another issue of interest to me involves the Internet market. With the launch of Windows XP—Microsoft's newest operating system—the issues raised by the original Justice Department complaint remain salient in determining the scope of the marketplace for web-based services.

Some opponents of Microsoft throughout the litigation, and even now with this settlement, have contended that Microsoft intends to leverage its dominance in the PC marketplace to establish itself as the player in web-based services. It is unclear to me just how much of those concerns will be resolved by this settlement, so I look forward to hearing Microsoft's response.

Finally, I am interested in knowing more about the innovative enforcement mechanism included in the settlement decree. I understand that this is probably the most stringent enforcement requirement ever imposed by the Justice Department in an antitrust matter. But I don't know how workable it will be for the Justice Department to remain so intimately involved over the next five years given how fast the technology industry changes. Five years is an eternity in the high-tech world. In negotiating this settlement, I hope that the Department relied on the many lessons it learned from its experience with the AT&T breakup and the long-term monitoring that that case involved.

Ultimately, we must find a way to promote competition and choice in the technology marketplace while continuing to encourage investment and innovation by this dynamic industry. Reasonable people can disagree about how we ought to get there.

I am grateful that today's hearing presents us with an opportunity to hear from knowledgeable witnesses on both sides of this dispute.

Thank you.
preventing retaliation by Microsoft against those who choose to develop or use competing middleware products, fully addresses the legitimate public goals of stopping Microsoft's unlawful conduct and restoring competition lost on its account.

Mr. Chairman, a vigorously competitive computer software industry is vital to our economy, and the Department is committed to ensuring that it remains competitive. I hope that my testimony has helped members of the Committee more fully understand why

the Department is completely satisfied that the proposed consent decree now before the district court will provide a sufficient and effective remedy for the anticompetitive conduct in which Microsoft has been found to have engaged in violation of the Sherman Act. I would be happy to answer any questions you or other members of the Committee may have.

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SENATE COMMITTEE ON THE JUDICIARY
HEARING ON THE MICROSOFT
SETTLEMENT: A LOOK TO THE FUTURE

TESTIMONY OF JAY L. HIMES, CHIEF,
ANTITRUST BUREAU OF THE NEW YORK
STATE ATTORNEY GENERAL'S OFFICE

Washington, DC

Wednesday, December 12, 2001

Chairman Leahy and distinguished Members of this Committee, thank you for inviting me to testify before you today on the important issues relating to the settlement of the case against Microsoft, brought by the Antitrust Division of the United States Department of Justice, 18 States and the District of Columbia. New York is one of the lead States in this lawsuit, and we have had a central role in the matter going back to the investigation that led to the filing of the case.

As the members of the Committee know, on Friday, November 2, 2001, the DOJ and Microsoft reached a proposed settlement of the lawsuit, which was then publicly announced. After further negotiations between Microsoft and the States, a revised settlement was reached on Tuesday, November 6, 2001. New York—together with the States of Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina, Ohio and Wisconsin—agreed to the revised settlement. The remaining State plaintiffs—California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, West Virginia and the District of Columbia—are seeking a judicially ordered remedy, as is their right.

I, together with an Assistant Attorney General from the State of Ohio, were the principal representatives of the States in the lengthy negotiations that led to the proposed final judgment embodying the settlement. Therefore, I believe that we in New York see the Microsoft settlement from a vantage point that others who were not in the negotiating room may lack. I will do my best to try to share our observations with the Committee. I will begin by presenting an overview of the lawsuit and the settlement reached. After that, I will address in more detail several of the central features of the settlement. Then, I wish to turn to the settlement process itself, particularly insofar as it bears on criticism of the proposed final judgment.

1. Overview of the Case and the Settlement

In May 1998, New York, 18 other States and the District of Columbia began a lawsuit against Microsoft, alleging violations of

federal and state antitrust laws.¹ The States' case was similar to an antitrust case commenced that same day by DOJ, and the two cases proceeded on a consolidated basis. In summary, the litigation against Microsoft charged that the company unlawfully restrained trade and denied consumers choice by: (1) monopolizing the market for personal computer ("PC") operating systems; (2) bundling (or "tying") Internet Explorer—Microsoft's web browser—into the Windows operating system used on most PCs; (3) entering into arrangements with various industry members that excluded competitive software; and (4) attempting to monopolize the market for web browsers.

After a lengthy trial, the District Court upheld the governments' claims that Microsoft had unlawfully: (1) maintained a monopoly in the PC operating system market; (2) tied Internet Explorer to its Windows operating system monopoly; and (3) attempted to monopolize the browser market. The District Court issued a final judgment breaking up Microsoft into two separate businesses, and ordering certain conduct remedies intended to govern Microsoft's business activities pending completion of the break-up. These remedies were stayed while Microsoft appealed.

In June of this year, the Court of Appeals for the District of Columbia Circuit issued its decision on appeal. *United States v. Microsoft Corp.*, 253 F.3d 34 (DC Cir. 2001). The Court of Appeals broadly upheld the lower court's monopolization maintenance ruling, although it rejected a few of the acts of monopolization found by the District Court including the Court's determination that Microsoft's overall course of conduct itself amounted to monopoly maintenance. On the tying claim, the Court of Appeals reversed the lower court's holding of an antitrust violation, and ordered a new trial under the rule of reason—a standard more favorable to Microsoft than the standard previously used by the trial court. In view of these rulings, the Circuit Court vacated the final judgment, including the break-up provisions. Finally, the Court of Appeals disqualified the trial judge from hearing further proceedings. Thereafter, the Court of Appeals denied a rehearing petition by Microsoft, and the Supreme Court declined to hear an appeal by Microsoft concerning the Court of Appeals' disqualification ruling.

The Court of Appeals returned the case to the District Court in late August of this year. At that point, a new judge—Hon. Colleen Kollar-Kotelly—was assigned. Shortly after that, DOJ and the States announced their intention, in the forthcoming proceedings before the District Court, to refrain from seeking another break up order—and to focus instead on conduct remedies modeled on those included in the earlier District Court judgment. DOJ and the States also announced that they would not re-try the tying claim under the rule of reason test that the Court of Appeals had adopted. These decisions by the government enforcers were made in an effort to jump-start the process of promptly

obtaining a strong and effective remedy for Microsoft's anticompetitive conduct, as upheld by the Court of Appeals' decision.

The parties appeared before Judge Kollar-Kotelly for the first time at a conference held on September 28, 2001. The Court directed the parties to begin a settlement negotiation and mediation process, which would end on November 2. Specifically, the Court noted that "I expect [the parties] to engage in settlement discussions seven days a week around the clock in order to see if they can resolve this case." (Transcript of September 28, 2001 proceedings, page 5) The Court also adopted a detailed schedule governing the proceedings leading to a hearing on remedies, which the Court tentatively set for March 2002, if no settlement could be reached.

The settlement process that the District Court thus set in motion resulted in a proposed final judgment agreed to by Microsoft, DOJ and nine of the plaintiff States. The overarching objective of this settlement is to increase the choices available to consumers (including business users) who seek to buy PCs by promoting competition in the computer and computer software industries. More specifically (and as I will explain further below), the proposed final judgment includes the following means to increase consumer choice and industry competition:

- Microsoft will be prohibited from using various forms of conduct to punish or discourage industry participants from developing and offering products that compete or could compete with the Windows operating system, or with Microsoft software running on Windows.

- Microsoft will be prohibited from restricting the ability of computer manufacturers to make significant changes to Windows, thereby encouraging manufacturers to offer consumers more choice in the features included in PCs available for purchase.

- Microsoft will be required to disclose significant technical information that will help industry participants to develop and offer products that work well with Windows, and, in this way, potentially aid in the development of products that will compete with Windows itself.

- Microsoft will be subject to on-site scrutiny by a specially selected three-person committee, charged with responsibility to assist in enforcing Microsoft's obligations under the settlement, and to help resolve complaints and inquiries that arise by virtue of the settlement.

New York decided to settle the Microsoft case because we believe that the deal hammered out over the many weeks of negotiations will generate a more competitive marketplace for consumers and businesses throughout the country, and, indeed, throughout the world. In summary, the settlement that the parties have submitted to the District Court for approval will accomplish the following:

2. Empowering Computer Manufacturers to Offer Choices to Consumers

First, the proposed final judgment will empower computer manufacturers—the "OEMs" to—offer products that give consumers choice. Under the settlement,

¹ Subsequently, one State (South Carolina) dropped out, and another (New Mexico) settled earlier this year.

OEMs have the opportunity to add competing middleware to the Windows operating system in place of middleware included by Microsoft. (Section III, paragraphs C and H)² Middleware here refers not only to software like the Netscape browser, one of the subjects of the liability trial, but also to other important PC functions, such as email, instant messaging, or the media players that enable consumers to receive audio and visual content from the Internet. (Section VI, paragraphs K and M)³ Middleware is important, in the context of this case, because it may help break down barriers that protect Microsoft's Windows monopoly.

The government negotiators insisted on, and eventually obtained, a broad definition of middleware so that the proposed decree covers both existing middleware and middleware not currently in existence, but which Microsoft and its competitors may develop during the term of the decree. The reason for our pressing a broad definition is plain enough: the broader the definition of middleware, the more software covered by the settlement, and the greater the opportunity for a software product to develop in a fashion that challenges the Windows monopoly.

Under the proposed decree, OEMs will have the ability to customize the PC's that they offer. They may, for example, add icons launching both competing middleware—and products that use competing middleware—to the Windows desktop or Start menu, and to other places in the Windows operating system. OEMs also will have the ability to suppress the existence of the competing middleware that Microsoft included in the Windows operating system licensed to the OEM. Microsoft itself will have to redesign Windows to the extent needed to permit this sort of substitution of middleware, and to ensure that the OEMs' customization of Windows is honored. (Section III, paragraphs C and H)⁴

The options available to OEMs under the settlement mean that the Windows desktop is up for sale. Companies offering a package of features that includes middleware, and middleware developers themselves, who desire to put their product into the hands of consumers can go to OEMs and buy a part of the real estate that the Windows desk top represents. This opportunity for additional

revenue should further empower OEMs to develop competing computer products that offer choice to consumers.

The OEMs' ability to offer consumers competing middleware is backed up by a broad provision that prohibits Microsoft from "retaliating" against OEMs for any decision to install competing middleware (as well as any operating system that competes with Windows). (Section III, paragraph A) This provision forbids Microsoft from altering any of its commercial relations with an OEM, or from denying an OEM a wide array of product support or promotional benefits, based on the OEM's efforts to offer competitive alternatives. (Section VI, paragraph C)

Then, to back up the non-retaliation provision, Microsoft also is required to license Windows to its 20 largest OEMs (who comprise roughly 70% of new PC sales) under uniform, non-discriminatory terms. (Section III, paragraph B) Microsoft also is prohibited from terminating any of its 20 largest OEMs for Windows licensing violations without first giving the OEM notice and an opportunity to cure the alleged violation. (Section III, paragraph A)

3. Empowering Software Developers and Others to Offer Competing Middleware

Second, the proposed final judgment seeks to encourage independent software developers—referred to as "ISVs"—to write competing middleware. This is accomplished by forbidding Microsoft from retaliating against any ISV based on the ISV's efforts to introduce competing middleware or a competing operating system into the market. (Section III, paragraph F) The literally thousands of ISVs in the industry are protected by this additional non-retaliation provision, and they are protected whether or not they have an on-going business relationship with Microsoft.

ISVs, and many other industry participants, are further protected by provisions that prohibit Microsoft from entering into exclusive dealing arrangements relating to middleware or operating systems. Exclusive dealing arrangements are a device that Microsoft used to deny competitors access to the distribution lines needed to enable their products to gain acceptance in the marketplace. (Section III, paragraphs F, G) We have effectively closed off that practice to Microsoft.

4. Requiring Microsoft to Disclose Information to Facilitate Interoperation

Third, the proposed final judgment requires Microsoft to provide the technical information—"interfaces" and "protocols"—that industry members need to enable competing middleware to work well with Windows. Middleware uses functions of the Windows operating system through connections or "hooks" called "applications programming interfaces"—"APIs" for short. Microsoft will now be required to disclose the APIs that its own middleware uses to interoperate with Windows, and to provide technical documents relating to those APIs, so that ISVs who wish to develop competing middleware will have the information needed to make their products work well with Windows. (Section III, paragraph D)

This is, again, a place where the broad definition of middleware, covering both existing and yet to be developed products, matters. (Section VI, paragraph J) The broader the definition, the greater the number of APIs that Microsoft must disclose and document. The greater the technical information made available, the greater the likelihood that industry participants will be able to develop competing middleware that works well on Windows.⁵

The proposed decree goes beyond requiring disclosure of APIs between Windows and Microsoft middleware. More and more, at-home consumers and computer users in the workplace can obtain functionality that they need from either the Internet or from network servers operating in a business setting. This trend means that computer applications running on servers may be an emerging location for developing middleware that could challenge the Windows monopoly at the PC level. Thus, the settlement is designed to prevent Microsoft from using Windows to gain competitive advantages in the way that PCs talk to servers. This is accomplished by requiring Microsoft to disclose, via a licensing mechanism, what are called "protocols" used to enable PCs and servers to communicate with each other. (Section III, paragraph E)

This particular provision—sometimes referred to as the "client/server interoperability" section—was especially important to the States. The provision included in the November 2 version of the final judgment between the DOJ and Microsoft did not seem to us in New York to go quite as far as we felt it needed to go. As a result, this was a place that we and other States focused on in the negotiations leading to the revised settlement signed on November 6. The changes that resulted did not involve many words, but we believe that they enhanced Microsoft's disclosure obligations in this critical area.

5. The Enforcement Mechanism

The subject matter of the Microsoft lawsuit is complex, and so too are many parts of the remedy embodied in the final judgment. This complexity creates the potential for good faith disagreement, as well as for intentional evasion. For this reason, from the outset of the settlement negotiations, New York held to the view that enforcement provisions going beyond those typically found in antitrust decrees would be needed here. We worked closely with DOJ to achieve this objective. What you find in the proposed final judgment is an enforcement mechanism that we believe is unprecedented in any antitrust case.

The proposed consent decree expressly recognizes the "exclusive responsibility" of the United States DOJ and the antitrust officials of the settling States to enforce the final judgment against Microsoft. (Section IV, paragraph A (1)) To assist this federal and state enforcement and compliance effort, the proposed decree will create a three person body, the "Technical Committee" or "TC." (Section IV, paragraph B) The TC is

⁴ PC users themselves will have a similar ability to customize Windows.

² Parenthetical references are to Revised Proposed Final Judgment attached to the Stipulation, dated November 6, 2001 (the "November 6 Stipulation"), in *United States v. Microsoft Corp.*, Civil Action No. 98-1232 (CKK)(D.D.C.), and *State of New York v. Microsoft Corp.*, Civil Action No. 98-1233 (CKK)(D.D.C.) (together "Microsoft").

³ For ease of exposition, I refer in this testimony to "middleware" as a generic term. In the proposed final judgment itself, there are four related middleware definitions, which are associated with various substantive provisions in the decree. (See Section VI, paragraphs J, K, M, N; Section IV(A) of the Competitive Impact Statement, dated November 15, 2001, filed in Microsoft.)

⁴ PC users themselves will have a similar ability to customize Windows.

⁵ Strictly speaking, if Microsoft refrains from separately distributing a particular middleware product included in Windows, it need not disclose

empowered, among other things: (1) to interview any Microsoft personnel; (2) to obtain copies of any Microsoft documents—including Microsoft's source code—and access to any Microsoft systems, equipment and physical facilities; and (3) to require Microsoft to provide compilations of documents, data and other information, and to prepare reports for the TC. (Section IV, paragraph B(8)(b), (c)) The TC itself is authorized to hire staff and consultants to carry out its responsibilities. (Section IV, paragraph B(8)(h)) Microsoft also is required to provide permanent office space and office support facilities for the TC at its Redmond, Washington campus. (Section IV, paragraph B(7))

In other words, for the five year term of the decree, the TC will be the on-site eyes and ears of the government enforcers. The TC and government enforcers may communicate with each other as often as they need to, and the TC may obtain advice or assistance from the enforcers on any matter within the TC's purview. In addition, the TC is subject to specific reporting requirements—every six months, or immediately if the TC finds any violation of the decree. (Section IV, paragraph B(8)(e), (f)) The TC further will be expected to field and promptly resolve complaints and inquiries from industry members, or from government enforcers themselves. (Section IV, paragraph B(8)(d), paragraph D)

All of this will be paid for by Microsoft, subject to possible review by federal and state officials, or the Court. To discourage Microsoft from mounting dubious court challenges to the TC's costs and expenses, the proposed decree authorizes the TC to recover its litigation expenses, including attorneys' fees, unless the Court expressly finds that the TC's opposition was "without substantial justification." (Section IV, paragraph B(8)(i))

These enforcement provisions are probably the strongest ever crafted in an antitrust case. Federal and state enforcers will have at their disposal their regular enforcement powers, which may be invoked at any time independent of anything that the TC may do. (Section IV, paragraph A(2), (4)) Meanwhile, the TC will augment these traditional powers in significant respects. In addition, Microsoft itself is required to appoint an internal compliance officer to assist in assuring discharge of the company's obligations under the settlement. (Section IV, paragraph C)

I am mindful that concern has been expressed regarding the enforcement provision that "[n]o work product, findings or recommendations of the TC may be admitted in any enforcement proceeding before the Court. . . ." (Section IV, paragraph D(4)(d)) But the impact of this provision should not be great. As noted, the TC may report to the government enforcers, who may use the TC's work to seek from Microsoft a consensual resolution of, for example, any non-compliant conduct, to initiate (and inevitably shortcut) enforcement-looking activity, to pursue leads, and for other enforcement purposes. Moreover, the TC's work product, once known, should be readily susceptible of prompt replication by enforcement officials for use in judicial proceedings.

6. The Settlement Process

As the very fact of these hearings attests, the proposed settlement of the Microsoft case is a subject of significant public interest and debate. For years, many have asserted that the case itself should never have been filed to begin with. For these individuals, the government should be satisfied to get any remedy at all. We in New York profoundly disagree with this view. As the liability trial and appeal confirmed, this case was properly brought to remedy serious anticompetitive activity by Microsoft. The trial and appellate proceedings further confirmed that the antitrust laws are alive and well in technological industries, just as they are in other parts of our nation's economy. Accordingly, the public is entitled to a strong, effective remedy.

In this regard, however, some have criticized the settlement for not going far enough, or for having exceptions and limitations. We reject this view as well.

In announcing the decision by New York and eight other States to settle the case, New York Attorney General Eliot Spitzer noted that "a settlement is never perfect." A settlement is an agreed-upon resolution of competing positions and objectives. Do I wish that the DOJ and the States had gotten more? Of course I do. Do our counterparts on the Microsoft side wish that they had given up less? There is no doubt about the answer. So, asking these questions does not take us very far. Settlement necessarily means compromise. It is in the nature of the beast.

This particular settlement is the product of roughly five weeks of consuming negotiations, much of which took place under the guidance of two experienced mediators. I am unaware of any calculation of the total person-hours consumed by this effort. Certainly it was in the thousands, if not tens of thousands, of hours. The process required the two sides to explore, both internally and in face-to-face negotiations, a host of factors that bear on terms of the settlement eventually reached, such as: (1) the competitive consequences of varying courses of action; (2) the design, engineering and practical implications and limitations of various remedy approaches, as well as their impact on innovation incentives; (3) the issues actually framed for trial in the liability phase of the case and their resolution by the Court of Appeals; (4) the law governing remedies for the monopoly maintenance violation that the Court of Appeals upheld, which the District Court would be called on to apply in the absence of a settlement; and (5) the resources, effort and time otherwise needed to resolve the sharp factual disputes that would be presented in a full-blown remedies hearing. New York and the other States, as well as the DOJ, were aided in this process by experienced staff and retained experts.

In the final analysis, the DOJ, New York and the other settling States concluded that the benefits to consumers and to the competitive process that are likely to result from the negotiated settlement reached here outweigh the uncertain remedy that a contested remedies proceeding might bring. In assessing the soundness of that conclusion, the members of the Committee

should recall that the settlement's critics have a luxury that those of us who settled did not have: they have the settlement floor created by the final judgment that we have offered. Absent this settlement, however, a judicial remedies hearing had not simply potential rewards, but significant risks as well.

During the September 28 court conference, the District Court expressed its views regarding the appropriate scope of the conduct remedies that might emerge from a judicial hearing on relief. Among other things, the District Court stated the following:

The Supreme Court long ago stated that it's entirely appropriate for a district court to order a remedy which goes beyond a simple prescription against the precise conduct previously pursued. . . . The Supreme Court has vested this court with large discretion to fashion appropriate restraints both to avoid a recurrence of the violation and to eliminate its consequences. Now, case law in the antitrust field establishes that the exercise of discretion necessitates choosing from a range of alternatives.

So the government's first and most obvious task is going to be to determine which portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability.

Now, the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the number [sic, penumbra] of behavior which was found to be anticompetitive. The government will also have to be cautiously attentive to the efficacy of every element of the proposed relief.

(Transcript of September 28, 2001 proceedings, pages 9, 8)

These remarks highlight risks that both sides confronted if the decision were made to press for a court-ordered remedy. Several concrete examples, from the settlement actually reached, will further drive home this point.

- Microsoft's API disclosure obligations, and its obligations to permit OEMs to customize the Windows desktop and operating system more generally, revolve around a series of related middleware definitions that the parties agreed to. Absent a settlement, there could no assurance that the courts would adopt middleware definitions as broad as those that DOJ and the settling States negotiated.

The liability trial in the case centered on Microsoft's conduct directed to efforts by Netscape and Sun to get Netscape's web browser and Sun's Java technologies installed on individual PCs. Plaintiffs' theory of the case which the trial and appellate courts upheld was that these forms of middleware could, if sufficiently pervasive at the PC level, erode the applications barrier to entry that protects Microsoft's Windows monopoly. Microsoft therefore set out to exclude this middleware from PCs. In the settlement negotiations leading to the client/server interoperability provision, the government negotiators argued that applications running at the server level can be analogous to middleware running at the PC level. On this

approach, middleware developed at the server level could also break down the applications barrier to entry into the PC operating system market. Therefore, the remedy in this case requires Microsoft to disclose ways that PCs running Windows talk to servers running Microsoft software. Absent a settlement, however, there could be no assurance that the courts would order disclosure of this PC/server line of communications. Microsoft resisted this provision 20 during the settlement negotiations, and would similarly have opposed it at a remedies hearing.

Finally, as i noted above, there does not seem to be any antitrust precedent for an enforcement mechanism that puts a monitor on site, with full access to the defendant's documents, employees, systems and physical facilities—all at the defendant's expense. Absent a settlement, Microsoft would have vigorously opposed such a far-reaching enforcement regime, and there plainly could be no assurance that the courts would have ordered comparable relief.

As these examples reflect, I believe that the proposed final judgment compares favorably to—and in some respects may well exceed—the remedy that might have emerged from a judicial hearing.

The existence of a settlement has also accelerated the point in time at which a remedy will begin to take effect. Microsoft has agreed to begin complying with the proposed final judgment starting on December 16, 2001. (November 6 Stipulation, paragraph 2) Assuming further that the District Court approves the proposed final judgment in Tunney Act proceedings in early 2002, there will be a remedy in place a year or more before the trial and appellate level proceedings, needed to resolve the appropriate remedy in the absence of a settlement, would be concluded. In this rapidly changing sector of the industry, the timeliness of a remedy is an important consideration.

6. Conclusion

In sum, the settlement in the Microsoft case promotes competition and consumer choice. It is proportionate to the monopoly maintenance violations that the Court of Appeals for the District of Columbia Circuit sustained. The settlement represents a fair and reasonable vindication of the public interest in assuring the free and open competition that our nation's antitrust laws guarantee.

Microsoft is reported recently to have issued a companywide email stating its commitment to making the settlement “a success” and to “ensuring that everyone at Microsoft complies fully with the terms” of the decree. D. Ian Hopper, *Associated Press State & Local Wire* (Nov. 30, 2001). We expect nothing less, and we intend to see to it that Microsoft honors that commitment. New York is one of the members of the States' enforcement committee, created under the proposed decree. Our State Antitrust Bureau will be vigilant in monitoring Microsoft's discharge of its obligations, and we look forward to working closely with the DOJ to make sure that the settlement is, indeed, a success. The American public is entitled to nothing less.

Statement of Charles F. (Rick) Rule, Fried Frank Harris Shriver & Jacobson, Counsel for Microsoft Corporation

Before the Committee on the Judiciary, United States Senate, December 12, 2001

Mr. Chairman and members of the Committee, good morning. It is a pleasure to appear before you today on behalf of Microsoft Corporation to discuss the proposed consent decree or Revised Proposed Final Judgment (the “PFJ”) to which the U.S. Department of Justice and nine of the plaintiff states have agreed. As this committee is aware, I am counsel to Microsoft in the case and was one of the principal representatives for the company in the negotiations that led to the proposed consent decree.

The PFJ was signed on November 6th after more than a month of intense, around-the-clock negotiations with the Department and representatives of all the plaintiff states. The decree is currently subject to a public interest review by Judge Kollar-Kotelly under the Tunney Act.¹ Because we are currently in the midst of that review and because nine states and the District of Columbia have chosen to continue the litigation, I must be somewhat circumspect in my remarks. However, what I can—indeed, must—stress is that, in light of the Court of Appeals' decision last summer to “drastically” reduce the scope of Microsoft's liability and in light of the legal standards for imposing injunctive relief, the Department and the settling states were very effective in negotiating for broad, strong relief. As the chart in the appendix depicts, ever since the Department and the plaintiff states first filed their complaints in May 1998, the case has been shrinking. What began with five claims, was whittled down to a single monopoly maintenance claim by a unanimous Court of Appeals. Even with respect to that surviving claim, the appellate court affirmed Judge Jackson's findings on only about a third (12 of 35) of the specific acts which the district court had found support that claim.

Given that history and the law, there is no reasonable argument that the PFJ is too narrow or that it fails to achieve all the relief to which the Department was entitled. In fact, as these remarks explain, the opposite is true—faced with tough, determined negotiators on the other side of the table, Microsoft agreed to a decree that goes substantially beyond what the plaintiffs were likely to achieve through litigation. Quite frankly, the PFJ is the strongest, most regulatory conduct decree ever obtained (through litigation or settlement) by the Department.

Why then, one might ask, would Microsoft consent to such a decree? There are two reasons. First, the company felt strongly that it was important to put this matter behind it and to move forward constructively with its customers, its business partners, and the government. For four years, the litigation has consumed enormous resources and been a serious distraction. The constant media drumbeat has obscured the fact that the company puts a premium on adhering to its

legal obligations and on developing and maintaining excellent relationships with its partners and customers. Litigation is never a pleasant experience, and given the magnitude of this case and the media attention it attracted, it is hard to imagine any more costly, unpleasant civil litigation.

Second, while the Department pushed Microsoft to make substantial, even excessive concessions to get a settlement, there were limits to how far the company was willing or able to go (limits, by the way, which the Department and the settling states managed to reach). Microsoft was fighting for an important principle—the ability to innovate and improve its products and services for the benefit of consumers. To that end, Microsoft insisted that the decree be written in a way to allow the company to engage in legitimate competition on the merits. Despite the substantial burdens the decree will impose on Microsoft and the numerous ways in which Microsoft will be forced to alter its conduct, the decree does preserve Microsoft's ability to innovate, to improve its products, and to engage in procompetitive business conduct that is necessary for the company to survive.

In short, at the end of the negotiations, Microsoft concluded that the very real costs that the decree imposes on the company are outweighed by the benefits, not just to Microsoft but to the PC industry and consumers generally.

Tile Court of Appeals' “Road Map “for Relief

In order to evaluate the decree, one must first appreciate the history of this case and how drastically the scope of Microsoft's liability was narrowed at the appellate level. When this case began with the filing of separate complaints by the Department and the plaintiff states in May of 1998, it was focused on Microsoft's integration of browsing functionality called Internet Explorer or IE into Windows 98, which the plaintiffs alleged to be an illegal tying arrangement.

The complaints of the Department and the states included five separate claims: (1) a claim under section 1 of the Sherman Act that the tie-in was per se illegal; (2) another claim under section 1 that certain promotion and distribution agreements with Internet service providers (ISPs), Internet content providers (ICPs), and on-line service providers (OSPs) constituted illegal exclusive dealing; (3) a claim under section 2 of the Sherman Act that Microsoft had attempted to monopolize Web browsing software; (4) a catch-all claim under section 2 that the alleged conduct that underlay the first three claims amounted to illegal maintenance of Microsoft's monopoly in PC operating systems; and (5) a claim by the plaintiff states (but not part of the Department's complaint) under section 2 that Microsoft illegally “leveraged” its monopoly in PC operating systems.² As discovery got underway, the case dramatically expanded as the plaintiffs indiscriminately began identifying all manner of Microsoft conduct as examples of

² Initially the plaintiff states included an additional section 2 claim based on Microsoft Office; however, they voluntarily dropped that claim in their amended complaint.

¹ 15 U.S.C. § 16(b)-(h).

the company's illegal efforts to maintain its monopoly. But then, the case began to shrink.

In response to Microsoft's motion for summary judgment, the district court dismissed the states' Monopoly leveraging claim (claim 5).

After trial, Judge Jackson held that the plaintiffs failed to prove that Microsoft's arrangements with ISPs, ICPs, and OSPs violated section 1 (claim 2).

Judge Jackson did, however, conclude that the plaintiffs had sustained their claims that Microsoft illegally tied IE to Windows (claim 1), illegally attempted to monopolize the browser market (claim 3), and illegally maintained its monopoly (claim 4), basing his decision on 35 different actions engaged in by Microsoft.

In a unanimous decision of the Court of Appeals sitting en banc, the court reversed the trial court on the attempted monopolization claim (claim 3) and remanded with instructions that judgment be entered on that claim in favor of Microsoft.

The unanimous court also reversed Judge Jackson's decision with respect to the tie-in claim (claim 1). The appellate court held that, in light of the prospect of consumer benefit from integrating new functionality into platform software such as Windows, Microsoft's integration of IE into Windows had to be judged under the rule of reason rather than the per se approach taken by Judge Jackson. The Court of Appeals refused to apply the per se approach because of "our qualms about redefining the boundaries of a defendant's product and the possibility of consumer gains from simplifying the work of applications developers [by ensuring the ubiquitous dissemination of compatible APIs]." The court's decision did allow the plaintiffs on remand to pursue the tie-in claim on a rule of reason theory; however, shortly after the remand, the plaintiffs announced they were dropping the tie-in claim.

With respect to the only remaining claim (monopoly maintenance—claim 4), the Court of Appeals affirmed in part and reversed in part the lower court and substantially shrank Microsoft's liability. After articulating a four-step burden-shifting test that is highly fact intensive, the appellate court reviewed the 35 different factual bases for liability and rejected nearly two-thirds of them.

In the case of seven of those 35 findings (concerning such conduct as Microsoft's refusal to allow OEMs to replace the Windows desktop, Microsoft's design of Windows to "override the user's choice of a default browser," and Microsoft's development of a Java virtual machine (JVM) that was incompatible with Sun's JVM), the appellate court specifically reversed Judge Jackson's decision.

At the time Judge Kollar-Kotelly ordered the parties into intensive negotiations, she clearly recognized the importance of the drastic alteration to the scope of Microsoft's liability.⁶ The judge informed the government that its "first and most obvious task is going to be to determine which

portions of the former judgment remain appropriate in light of the appellate court's ruling and which portions are unsupported following the appellate court's narrowing of liability."⁷ The judge went on to note that "the scope of any proposed remedy must be carefully crafted so as to ensure that the enjoining conduct falls within the [penumbra] of behavior which was found to be anticompetitive."⁸ The judge also stated that "Microsoft argues that some of the terms of the former judgment are no longer appropriate, and that is correct. I think there are certain portions where the liability has been narrowed."⁹

Before discussing the negotiations and the decree itself, I would like to make three other points about the crafting of antitrust remedies that also are relevant to considering the relief to which the plaintiffs were entitled. First, the critics of the PFJ routinely ignore the fact that the Department has long acknowledged that Microsoft lawfully acquired its monopoly position in PC operating systems. Indeed, the Department retained a Nobel laureate in the first Microsoft case in 1994 to submit an affidavit to the district court opining that Microsoft had reached its position in PC operating systems through luck, skill, and foresight.¹⁰ It is true of course that Microsoft has now been found liable for engaging in conduct that amounted to illegal efforts to maintain that position; however, there is precious little in the record establishing any causal link between the twelve illegal acts of "monopoly maintenance" and Microsoft's current position in the market for PC operating systems. Thus, contrary to the critics' overheated rhetoric, there is no basis for relief designed to terminate an "illegal monopoly."

Second, decrees in civil antitrust cases are designed to remedy, not to punish. All too often, the critics of this decree speak as though Microsoft was convicted of a crime. It was not. This is a civil case, subject to the rules of civil rather than criminal procedure. To the extent the plaintiffs tried to get relief that could be deemed punitive, that relief would have been rejected.

Third, a decree must serve the purposes of the antitrust laws, which is a "consumer welfare prescription." I realize we are in the "season of giving," but an antitrust decree is not a Christmas tree to fulfill the wishes of competitors, particularly where that fulfillment comes at the expense of consumer welfare. Calls for royalty-free licensing of Microsoft's intellectual property, or for imposing obligations on Microsoft to distribute third party software at no charge, or for Microsoft to facilitate the distribution of an infinite variety of bastardized versions of Windows (and make sure they all run

perfectly) are great for a small group of competitors who know that such provisions will quickly destroy Microsoft's incentives and ability to compete (not to mention violate the Constitution's proscription against "takings").

Such calls, however, are anathema to consumers' interests in a dynamic, innovative computer industry. Twenty years ago, my old boss and antitrust icon, Bill Baxter, warned about the anticompetitive consequences of antitrust decrees designed simply to "add sand to the saddlebags" of a particularly fleet competitor like Microsoft. It's a warning the courts would certainly heed today.

To their credit, the negotiators for the Department and the settling states understood these three fundamental antitrust principles. While we may have had to remind the other side of these principles from time to time, we did not have to negotiate for their adherence to them. Taxpayers and consumers can be proud that their interests were represented by honorable men and women with the utmost respect for the rule of law. For others to insinuate that, by agreeing to a decree that honors these three fundamental principles, the Department and the settling states "caved" or settled for inadequate relief is as offensive as it is laughable.

The Negotiations

It is against the background I have sketched that, on September 27th, Judge Kollar-Kotelly ordered the parties into intensive, "around the clock" negotiations. Microsoft had already indicated publicly its strong desire to try to settle the case, and so it welcomed the judge's order. As has been widely reported, all the parties in the case took the court's order very seriously. Microsoft assembled in Washington, DC, a core team of in-house and outside lawyers who have been living with this case for years, and who spent virtually all of the next five weeks camped out in my offices down the street. Microsoft's top legal officer was in town during much of the period directing the negotiations. Back in Redmond, the company's most senior executives devoted a great deal of time and energy to the process, and we were all supported by a large group of dedicated lawyers, businesspeople, and staff.

From my vantage point, the Department and the states (at least those that settled) made an equivalent effort. As the mediator wrote after the process ended, "No party was left out of the negotiations. . . . Throughout most of the mediation the 19 states (through their executive committee representatives) and the federal government (through the staff of the antitrust division) worked as a combined "plaintiffs' team."¹¹ Jay Himes from the office of the New York Attorney General Eliot Spitzer and Beth Finnerty from the office of the Ohio Attorney General Betty Montgomery represented the states throughout the negotiations, putting in the same long hours as the rest of us. At various points Mr. Himes and Ms. Finnerty were joined by representatives from other states,

⁷ Transcript of Scheduling Conference before the Honorable Colleen Kollar-Kotelly, September 28, 2001, at 8.

⁸ Id.

⁹ Id.

¹⁰ The Declaration of Kenneth J. Arrow was attached as an exhibit to the Memorandum of the United States in Support of Motion to Enter Final Judgment, filed on January 18, 1995, with the District Court in support of the Department's 1994 consent decree with Microsoft.

¹¹ Eric D. Green and Jonathan B. Marks, How We Mediated the Microsoft Case, Boston Globe, at A23 (November 15, 2001).

⁶ This hearing, it should be noted, occurred after the plaintiffs had dropped their request for divestiture relief.

including Kevin O'Connor from the office of Wisconsin Attorney General James Doyle.¹²

The negotiations began on September 28th and continued virtually non-stop until November 6th. During the first two weeks, we negotiated without the benefit of a mediator. As they say in diplomatic circles, the discussions were "full and frank." The Department lawyers and the state representatives in the negotiation were extremely knowledgeable, diligent, and formidable.

Microsoft certainly hoped to be able to reach a settlement quickly and before a mediator was designated. However, the views on all sides were sufficiently strong and the need to pay attention to every sentence, phrase, and punctuation mark so overwhelming that reaching agreement proved impossible in those first two weeks. Eric Green, a prominent mediation specialist, was appointed by the court and with the help of Jonathan Marks spent the next three weeks helping the parties find common ground. As Professor Green and Mr. Marks wrote after the mediation ended,

"Successful mediations are ones in which mediators and parties work to identify and overcome barriers to reaching agreement. Successful mediations are ones in which all the parties engage in reasoned discussions of issues that divide them, of options for settlement, and of the risks, opportunities, and costs that each party faces if a settlement isn't reached. Successful mediations are ones in which, settle or not, senior representatives of each party have made informed and intelligent decisions. The Microsoft mediation was successful."¹³

Working day and night virtually until the original November 2 deadline set by the judge, Microsoft and the Department agreed to and signed a decree early on November 2. The representatives of the states also tentatively agreed, subject to an opportunity from November 2 until November 6 to confer with the other states that were more removed from the case and negotiations. During that period, the states requested several clarifying modifications to which Microsoft (and the Department) agreed. From press reports, it appears that during this period the plaintiff states also were being subjected to intense lobbying by a few of Microsoft's competitors who were desperate either to get a decree that would severely cripple if not eventually destroy Microsoft or at least to keep the litigation (and the attendant costs imposed on Microsoft) going. Notwithstanding that pressure, New York, Wisconsin, and Ohio—the states that had made the largest investment in litigating against Microsoft and in negotiating a settlement—along with six other plaintiff states represented by a bipartisan group of state attorneys general signed onto the Revised PFJ on November 6.

The Proposed Final Judgment

Throughout the negotiations, Microsoft was confronted by a determined and tough group of negotiators for the Department and the states. They made clear that there would

be no settlement unless Microsoft went well beyond the relief to which, Microsoft believes, the Court of Appeals opinion and the law entitles the plaintiffs. Once that became clear, Microsoft relented in significant ways, subject only to narrow language that preserved Microsoft's ability to innovate and engage in normal, clearly procompetitive activities. Professor Green, the one neutral observer of this drama, has noted the broad scope of the prohibitions and obligations imposed on Microsoft by the PFJ, stating during the status conference with Judge Kollar-Kotelly that "the parties have not stopped at the outer limits of the Court of Appeals' decision, but in some important respects the proposed final judgment goes beyond the issues affirmed by the Court of Appeals to deal with issues important to the parties in this rapidly-changing technology."¹⁴

I do not intend today to provide a detailed description of each provision of the PFJ; the provisions speak for themselves. It may come as something of a surprise in light of some of the uninformed criticism hurled at the decree, but one of Microsoft's principal objectives during the negotiations was to develop proscriptions and obligations that were sufficiently clear, precise and certain to ensure that the company and its employees would be able to understand and comply with the decree without constantly engendering disputes with the Department. This is an area of complex technology and the decree terms on which the Department insisted entailed a degree of technical sophistication that is unprecedented in an antitrust decree. Drafting to these specifications was not easy, but the resulting PFJ is infinitely clearer and easier to administer than the conduct provisions of the decree that Judge Jackson imposed in June 2000.

If, as one might suspect would be the outcome in a case such as this, the PFJ were written to proscribe only the twelve practices affirmed by the Court of Appeals, the decree would be much shorter and simpler. The Department and settling states, however, insisted that the decree go beyond just focused prohibitions to create much more general protections for a potentially large category of software, which the PFJ calls "middleware." But even these expansive provisions to foster middleware competition were not sufficient to induce the Department and the states to settle; rather, they insisted that Microsoft also agree to additional obligations that bear virtually no relationship to any of the issues addressed by the district court and the Court of Appeals. And lastly they insisted on unprecedented enforcement provisions. I will briefly describe each of these three sets of provisions.

1. Protections for "Middleware"

The case that the plaintiffs tried and the narrowed liability that survived appellate review all hinged on claims that Microsoft took certain actions to exclude Netscape's Navigator browser and Sun's Java technology from the market in order to protect the

Windows operating system monopoly. The plaintiffs successfully argued that Microsoft feared that Navigator and Java, either alone or together, might eventually include and expose a broad set of general purpose APIs to which software developers could write as an alternative to the Windows APIs. Since Navigator and Java can run on multiple operating systems, if they developed into general purpose platforms, Navigator and Java would provide a means of overcoming the "applications barrier" to entry and threaten the position of the Windows operating system as platform software.

A person might expect that a decree designed to address such a monopoly maintenance claim would provide relief with respect to Web-browsing software and Java or, at most, to other general purpose platform software that exposes a broad set of APIs and is ported to run on multiple operating systems. The PFJ goes much further. The Department insisted that obligations imposed on Microsoft by the decree extend to a range of software that has little in common with Navigator and Java. The decree applies to "middleware" broadly defined to include, in addition to Web-browsing software and Java, instant messaging software, media players, and even email clients—software that, Microsoft believes, has virtually no chance of developing into broad, general purpose platforms that might threaten to displace the Windows platform. In addition, there is a broad catch-all definition of middleware that in the future is likely to sweep other similar software into the decree.

This sweeping definition of middleware is significant because of the substantial obligations it imposes on Microsoft. Those obligations—a number of which lack any correspondence to the monopoly maintenance findings that survived appellate review—are intended to create protections for all the vendors of software that fits within the middleware definition. Taken together, the decree provisions provide the following protections and opportunities:

Relations with Computer Makers.

Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

Computer Maker Flexibility. Microsoft has agreed to grant computer makers broad new rights to configure Windows so as to promote non-Microsoft software programs that compete with features of Windows. Computer makers will now be free to remove the means by which consumers access important features of Windows, such as Internet Explorer, Windows Media Player, and Windows Messenger. Notwithstanding the billions of dollars Microsoft invests developing such cool new features, computer makers will now be able to replace access to them in order to give prominence to non-Microsoft software such as programs from AOL Time Warner or RealNetworks. (Additionally, as is the case today, computer makers can provide consumers with a choice—that is to say access to Windows features as well as to non-Microsoft software programs.)

Windows Design Obligations. Microsoft has agreed to design future versions of

¹² Mr. O'Connor, as well as attorneys in the office of the New York Attorney General, had served as counsel of record for the states in the litigation.

¹³ Green and Marks, *supra* fn. 11.

¹⁴ Transcript of Status Conference before the Honorable Colleen Kollar-Kotelly, November 2, 2001, at 5.

Windows, beginning with an interim release of Windows XP, to provide a mechanism to make it easy for computer makers, consumers and software developers to promote non-Microsoft software within Windows. The mechanism will make it easy to add or remove access to features built in to Windows or to non-Microsoft software. Consumers will have the freedom to choose to change their configuration at any time.

Internal Interface Disclosure. Even though there is no suggestion in the Court of Appeals' decision that Microsoft fails to disclose APIs today and even though the Court of Appeals' holding on monopoly power is predicated on the idea that there are tens of thousands of applications written to call upon those APIs, Microsoft has agreed to document and disclose for use by its competitors various interfaces that are internal to Windows operating system products.

Relations with Software Developers. Microsoft has agreed not to retaliate against software or hardware developers who develop or promote software that competes with Windows or that runs on software that competes with Windows.

Contractual Restrictions. Microsoft has agreed not to enter into any agreements obligating any third party to distribute or promote any Windows technology exclusively or in a fixed percentage, subject to certain narrow exceptions that apply to agreements raising no competitive concern. Microsoft has also agreed not to enter into agreements relating to Windows that obligate any software developer to refrain from developing or promoting software that competes with Windows.

These obligations go far beyond the twelve practices that the Court of Appeals found to constitute monopoly maintenance. One of the starkest examples of the extent to which these provisions go beyond the Court of Appeals decision relates to Microsoft's obligations to design Windows in such a way as to give third parties the ability to designate non-Microsoft middleware as the "default" choice in certain circumstances in which Windows might otherwise be designed to utilize functionality integrated into Windows. As support for his monopoly maintenance conclusion, Judge Jackson had relied on several circumstances in which Windows was designed to override the end users' choice of Navigator as their default browser and instead to invoke IE. The Court of Appeals, however, reviewed those circumstances and reversed Judge Jackson's conclusion on the ground that Microsoft had "valid technical reasons" for designing Windows as it did. Notwithstanding this clear victory, Microsoft acceded to the Department's demands that it design future versions of Windows to ensure certain default opportunities for non-Microsoft middleware.

2. Uniform Prices and Server Interoperability

Nevertheless, agreeing to this wide range of prohibitions and obligations designed to encourage the development of middleware broadly defined was not enough to get the plaintiffs to settle. Instead, they insisted on

two additional substantive provisions that have absolutely no correspondence to the findings of monopoly maintenance liability that survived appeal.

Uniform Price List. Microsoft has agreed to license its Windows operating system products to the 20 largest computer makers (who collectively account for the great majority of PC sales) on identical terms and conditions, including price (subject to reasonable volume discounts for computer makers who ship large volumes of Windows).

Client/Server Interoperability. Microsoft has agreed to make available to its competitors, on reasonable and non-discriminatory terms, any protocols implemented in Windows desktop operating systems that are used to interoperate natively with any Microsoft server operating system.

In the case of the sweeping definition of middleware and the range of prohibitions and obligations imposed on Microsoft, there is at least a patina of credibility to the argument that the penumbra of the twelve monopoly maintenance practices affirmed by the Court of Appeals can be stretched to justify those provisions, at least as "fencing in" provisions. There is no sensible reading of the Court of Appeals decision that would provide any basis for requiring Microsoft to charge PC manufacturers uniform prices or to make available the proprietary protocols used by Windows desktop operating systems and Windows server operating systems to communicate with each other. Nevertheless, because the plaintiffs insisted that they would not settle without those two provisions, Microsoft also agreed to them.

Before turning to the enforcement provisions of the PFJ, I want to say a word about the few provisos included in the decree that provide narrow exceptions to the various prohibitions and obligations imposed on Microsoft. Those exceptions were critical to Microsoft's willingness to agree to the sweeping provisions on which the plaintiffs insisted. Without these narrowly tailored exceptions, Microsoft could not innovate or engage in normal procompetitive commercial activities. The public can rest assured that the settling plaintiffs insisted on language to ensure that the exceptions only apply when they promote consumer welfare. For example, some companies that compete with Microsoft for the sale of server operating systems apparently have complained about the so-called "security carve-out" to Microsoft's obligation to disclose internal interfaces and protocols. That exception is very narrow and only allows Microsoft to withhold encryption "keys" and the similar mechanisms that must be kept secret if the security of computer networks and the privacy of user information is to be ensured. In light of all the concern over computer privacy and security these days, it is surprising that there is any controversy over such a narrow exception.

3. Compliance and Enforcement

The broad substantive provisions of the PFJ are complemented by an unusually strong set of compliance and enforcement provisions. Those provisions are unprecedented in a civil antitrust decree. The PFJ creates an independent three-person technical

committee, resident on the Microsoft campus, with extraordinary powers and full access to Microsoft facilities, records, employees and proprietary technical data, including Windows source code, which is the equivalent of the "secret formula" for Coke. The technical committee provides a level of technical oversight that is far more substantial than any provision of any other antitrust decree of which I am aware. At the insistence of the plaintiffs, the technical committee does not have independent enforcement authority; rather, reports to the plaintiffs and, through them, to the court. The investigative and oversight authority of the technical committee in no way limits or reduces the enforcement powers of the DOJ and states; rather, the technical committee supplements and enhances those powers. Each of the settling states and DOJ have the power to enforce the decree and have the ability to monitor compliance and seek a broad range of remedies in the event of a violation.

Microsoft also agreed to develop and implement an internal antitrust compliance program, to distribute the decree and educate its management and employees as to the various restrictions and obligations. In recent years, Microsoft has assembled in-house one of the largest, most talented groups of antitrust lawyers in corporate America. They are already engaged in substantial antitrust compliance counseling and monitoring. The decree formalizes those efforts, and quite frankly adds very substantially to the in-house lawyers' work. As we speak, that group, together with key officials from throughout the Microsoft organization, are working to implement the decree and to ensure the company's compliance with it.

As with the substantive provisions, Microsoft agreed to these unprecedented compliance and enforcement provisions because of the adurance of the plaintiffs and because of the highly technical nature of the decree. Microsoft, the Department, and the settling states recognized that it was appropriate to include mechanisms—principally, the technical committee—that will facilitate the prompt and expert resolution of any technical disputes that might be raised by third parties, without in any way derogating from the government's full enforcement powers under the decree. Although the enforcement provisions are unprecedented in their stringency and scope, they are not necessitated or justified by any valid claim that Microsoft has failed to comply with its decree obligations in the past. In fact, Microsoft has an exemplary record of complying with the consent decree to which the company and the Department agreed in 1994. In 1997, the Department did question whether Microsoft's integration of IE into Windows 95 violated a "fencing in" provision that prohibited contractual tie-ins, but Microsoft was ultimately vindicated by the Court of Appeals.¹⁵ Microsoft has committed itself to that same level of dedication in ensuring the company's compliance with the PFJ.

Conclusion

¹⁵ United States v. Microsoft, 147 F.3d 935 (D.C. Cir. 1998).

The PFJ strikes an appropriate balance in this complicated case, providing opportunities and protections for firms seeking to compete while allowing Microsoft to continue to innovate and bring new technologies to market. The decree is faithful to the fact that the antitrust laws are a “consumer protection prescription,” and it ensures an economic environment in which all parts of the PC-ecosystem can thrive.

Make no mistake, however, the PFJ is tough. It will impose substantial new obligations on the company, and it will require significant changes in the way Microsoft does business. It imposes heavy costs on the company and entails a degree of oversight that is unprecedented in a civil antitrust case. For some competitors of Microsoft, however, apparently nothing short of the destruction of Microsoft—or at least the ongoing distraction of litigation—will be sufficient. But if the objective is to protect the interests of consumers and the competitive process, then this decree more than achieves that goal.

Finally, for all those who are worried about the future and what unforeseen developments may not be covered by this case and the decree, remember that the Court of Appeals decision now provides guideposts, which previously did not exist, for judging Microsoft’s behavior, and that of other high technology companies, going forward. Those guidelines, it is true, are not always easy to apply *ex ante* to conduct; however, now that the Court of Appeals has spoken, we all have a much better idea of the way in which section 2 of the Sherman Act applies to the software industry. In short, what antitrust law requires of Microsoft is today much clearer than it was when this case began. We have all learned a lot over the last four years, and Microsoft has every incentive to ensure that history does not repeat itself.

MTC-00033734

Testimony of Professor Lawrence Lessig, Stanford Law School, before the Senate Committee on the Judiciary at its hearing: The Microsoft Settlement: A Look to the Future
December 12, 2001

Four years after the United States government initiated legal action against the Microsoft Corporation, Microsoft, the federal government, and nine states have agreed upon a consent decree (“the proposed decree”) to settle the finding of antitrust liability that the Court of Appeals for the DC Circuit has unanimously affirmed. In my view, that consent decree suffers from a significant, if narrow, flaw. While it properly enlists the market as the ultimate check on Microsoft’s wrongful behavior, it fails to provide an adequate mechanism of enforcement to implement its requirements. If it is adopted without modification, it will fail to achieve the objectives that the government had when it brought this case.

Yet while it is important that an adequate and effective remedy be imposed against Microsoft, in my view it is equally important that any remedy not be extreme. Microsoft is no longer the most significant threat to innovation on the Internet. Indeed, as I

explain more fully below, under at least one understanding of its current Internet strategy, Microsoft could well play a crucial role in assuring a strong and neutral platform for innovation in the future. Thus, rather than retribution, a remedy should aim to steer the company toward this benign and beneficial strategy. Obviously, this benign understanding of Microsoft’s current strategy is not the only understanding. Nor do I believe that anyone should simply trust Microsoft to adopt it. But its possibility does suggest the importance of balance in any remedy. The proposed decree does not achieve that balance, but neither, in my view, does the alternative.

I am a law professor at Stanford Law School and have written extensively about the interaction between law and technology. My most recent book addresses directly the effect of law and technology on innovation. I have also been involved in the proceedings of this case. In 1997, I was appointed special master in the action to enforce the 1995 consent decree. That appointment was vacated by the Court of Appeals when it concluded that the powers granted me exceeded the scope of the special master statute. *United States v. Microsoft Corporation*, 147 F.3d 935, 953–56 (D.C. Cir. 1998) (“Microsoft II”). I was then invited by the District Court to submit a brief on the question of using software code to “tie” two products together.¹ I have subsequently spent a great deal of time studying the case and its resolution.

In this testimony, I outline the background against which I draw my conclusions. I then consider the proposed decree, and some of the strengths and weaknesses of the alternative proposed to the District Court by the nine remaining states (the “alternative”). Finally, I consider two particular areas in which this Committee may usefully consider action in light of the experience in this case.

BACKGROUND

In June, 2001, the Court of Appeals for the DC Circuit unanimously affirmed Judge Jackson’s conclusion that Microsoft used its power over Windows to protect itself against innovation that threatened its monopoly power. *United States v. Microsoft Corporation*, 253 F.3d 54 (D.C. Cir. 2001) (Microsoft IID). That behavior, the Court concluded, violated the nation’s antitrust laws. The Court therefore ordered the District Court to craft a remedy that would “unfetter [the] market from anticompetitive conduct,” to “terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.” *Microsoft III*, 253 F.2d at 103 (citations omitted).

Integral to the Court’s conclusion was its finding that Microsoft had “commingled code” in such a way as to interfere with the ability of competitors to offer equivalent products on an even playing field. As the District Court found, and the Court of Appeals affirmed, Microsoft had designed its products in such a way as to inhibit the

substitution of certain product functionality. This design, the district court concluded, served no legitimate business interest. The Court’s conclusion was therefore that Microsoft had acted strategically to protect its market power against certain forms of competition.

In my view, this holding by the Court of Appeals is both correct and important. It vindicates a crucial principle for the future of innovation generally, and in particular, on the Internet. By affirming the principle that no company with market power may use its power over a platform to protect itself against competition, the Court has assured competitors in this and other fields that the ultimate test of success for their products is not the decision by a platform owner, but the choice of consumers using the product. To the extent that Microsoft’s behavior violated this principle, and continues to violate this principle, it is appropriate for the District Court to craft a remedy that will stop that violation.

An appropriate remedy, however, must take into account the competitive context at the time the remedy is imposed. And in my view, it is crucially important to see that Microsoft does not represent the only, or even the most significant, threat to innovation on the Internet. If the exercise of power over a platform to protect that platform owner from competition is a threat to innovation (as I believe the Court of Appeals has found), then there are other actors who also have significant power over aspects of the Internet platform who could also pose a similarly dangerous threat to the neutral platform for innovation that the Internet as has been. For example, broadband cable could become a similar threat to innovation, if access to the Internet through cable is architected so as to give cable the power to discriminate among applications and content. Similarly, as Chairman Michael Powell suggested in a recent speech about broadband technology, overly protective intellectual property laws could well present a threat to broadband deployment.²

Microsoft could play a significant role in resisting this kind of corruption of the Internet’s basic values, and could therefore play an important role in preserving the environment for innovation on the net. In particular, under one understanding of Microsoft’s current Internet strategy (which I will refer to generally as the “.NET strategy”), Microsoft’s architecture would push computing power and network control to the “edge” or “ends” of the network, and away from the network’s core. This is consistent with a founding design principle of the early network—what network architects Jerome Saltzer, David Clark, and David Reed call “the end-to-end argument.”³ .NET’s possible support of this principle would compete with pressures that now encourage a compromise of the end-to-end design. To the extent Microsoft’s strategy resists that compromise,

² See <<http://www.fcc.gov/Speeches/Powell/2001/spmkpl10.html>> (suggesting “re-examining the copyright laws” and comparing freedom assured by decision permitting VCRs).

³ See End to End Arguments in System <<http://web.mit.edu/Saltzer/www/pubhcations/>>.

¹ See <<http://cyberlaw.stanford.edu/lessig/content/testimony/ab/ab.pdf>>.

it could become a crucial force in preserving the innovation of the early network.

This is not to say that this benign, pro-competitive design is the only way that Microsoft could implement its .NET strategy. There are other implementations that could certainly continue Microsoft's present threat to corn-Design, petition. And obviously, I am not arguing that anyone should trust Microsoft's representation that it intends one kind of implementation over another. Trust alone is not an adequate remedy to the current antitrust trial.

My point instead is that there is little reason to vilify a company with a strong and powerful interest in a strategy that might well reinforce competition on the Internet—especially when, excepting the open source and free software companies presently competing with Microsoft, few of the other major actors have revealed a similarly pro-Internet strategy. Thus, rather than adopting a remedy that is focused exclusively on the “last war,” a proper remedy to the current antitrust case should be sufficient to steer Microsoft towards its benign strategy, while assuring an adequate response if it fails to follow this pro-competitive lead.

Such a remedy must be strong but also effectively and efficiently enforceable. The fatal weakness in the proposed decree is not so much the extent of the restrictions on Microsoft's behavior, as it is the weaknesses in the proposed mechanisms for enforcement. Fixing that flaw is no doubt necessary to assure an adequate decree. In my view, it may also be sufficient.

THE PROPOSED DECREE

While the proposed decree is not a model of clarity, the essence of its strategy is simply stated: To use the market to police Microsoft's monopoly. The decree does this by assuring that computer manufacturers and software vendors remain free to bundle and support non-Microsoft software without fear of punishment by Microsoft. Dell or Compaq are thus guaranteed the right to bundle browsers from Netscape or media players from Apple regardless of the mix that Microsoft has built into Windows. Autonomy from Microsoft is thus the essence of the plan—the freedom to include any “middleware” software with an operating system regardless of whether or not it benefits Microsoft.

If this plan could be made to work, it would be the ideal remedy to this four year struggle. Government regulators can't know what should or should not be in an operating system. The market should make that choice. And if competitors and computer manufacturers could be assured that they can respond to the demands of the market without fear of retaliation by Microsoft, then in my view they would play a sufficient role in checking any misbehavior by Microsoft.

The weakness in the proposed decree, however, is its failure to specify any effective mechanism for assuring that Microsoft complies. The central lesson that regulators should have learned from this case is the inability of the judicial system to respond quickly enough to violations of the law.

Thus the first problem that any proposed decree should have resolved is a more

efficient way to assure that Microsoft complies with the decree's requirements. Under the existing system for enforcement, by the time a wrong is adjudicated, the harm of the wrong is complete.

Yet the proposed decree does nothing to address this central problem. The decree does not include provision for a special master, or panel of masters, to assure that disagreements about application could be quickly resolved. Nor does it provide an alternative fast-track enforcement mechanism to guarantee compliance.

Instead the decree envisions the creation of a committee of technical experts, trained in computer programming, who will oversee Microsoft's compliance. But while such expertise is necessary in the ongoing enforcement of the decree, equally important will be the interpretation and application of the decree to facts as they arise. This role cannot be played by technical experts, and yet in my view, this is the most important role in the ongoing enforcement of the decree.

For example, the decree requires that Microsoft not retaliate against an independent software vendor because that vendor develops or supports products that compete with Microsoft's. Proposed Decree, § III.B. By implication, this means Microsoft would be free to retaliate for other reasons unrelated to the vendor's competing software. Whether a particular act was “retaliation” for an improper purpose is not a technical question. It is an interpretive question calling upon the skills of a lawyer. To resolve that question would therefore require a different set of skills from those held by members of the technical committee.

The remedy for this weakness is a better enforcement mechanism. As the nine remaining states have suggested, a special master with the authority to interpret and apply the decree would assure a rapid and effective check on Microsoft's improper behavior. While I suggest some potential problems with the appointment of a special master in the final section of this testimony, this arrangement would assure effective monitoring of Microsoft, subject to appeal to the District Court.

The failure to include an effective enforcement mechanism is, in my view, the fatal weakness in the proposed decree. And while I agree with the nine remaining states that there are other weaknesses as well, in my view these other weaknesses are less important than this single flaw. More specifically, in my view, were the decree modified to assure an effective enforcement mechanism, then it may well suffice to assure the decree's success. Without this modification, there is little more than faith to assure that this decree will work. With this modification, even an incompletely specified decree may suffice.

The reason, in my view, is that even a partial, yet effectively enforced decree, could be sufficient to steer Microsoft away from strategic behavior harmful to competition. Even if every loophole is not closed, if the decree can be effectively enforced, then it could suffice to push Microsoft towards a benign, pro-competitive strategy. The proposed decree has certainly targeted the

most important opportunity for strategic, or anti-competitive, behavior. If the chance to act on these without consequence is removed, then in my view, Microsoft has a strong incentive to focus its future behavior towards an implementation of its .NET strategy that would reinforce rather than weaken the competitive field. An effective, if incomplete, decree could, in other words, suffice to drive Microsoft away from the pattern of strategic behavior that has been proven against it in the Court of Appeals.

There are those who believe Microsoft will adopt this benign strategy whether or not there is a remedy imposed against them. Indeed, some within Microsoft apparently believe that supporting a neutral open platform is in the best interests of the company.⁴ Given the significant findings of liability affirmed by the Court of Appeals, I do not believe it is appropriate to leave these matters to faith. But I do believe that a remedy can tilt Microsoft towards this better strategy, at least if the remedy can be efficiently enforced.

THE NINE STATES' ALTERNATIVE

On Friday, December 7, 2001, the nine states that have not agreed to the proposed consent decree outlined an alternative remedy to the one proposed by the Justice Department. In many ways, I believe this alternative is superior to the Justice Department's proposed decree. This alternative more effectively protects against a core strategy attacked in the District Court—the commingling of code designed to protect Microsoft's monopoly power. It has an effective enforcement provision, envisioning the appointment of a special master. The alternative has a much stronger mechanism for adding competition to the market—by requiring that Microsoft continue to market older versions of its operating system in competition with new versions. And finally, the alternative requires that Microsoft continue to distribute Java technologies as its has in prior Windows versions.

The alternative, however, goes beyond what in my view is necessary. And while in light of the past, erring on the side of overly protective remedies might make sense, I will describe a few areas where the alternative may have gone too far, after a brief description of a few of the differences that I believe are genuine improvements.

Areas of Common Strategy

Both the proposed decree and the alternative agree on a common set of strategies for restoring competition in the market place. Both seek to assure autonomy for computer manufacturers and software vendors to bundle products on the Microsoft platform differently according to consumer demand. Both decrees aim at that end by guaranteeing nondiscriminatory licensing practices, and restrictions on retaliation against providers who bundle or support non-Microsoft products. The alternative specifies this strategy more cleanly than the proposed decree. It is also more comprehensive. But both are aiming rightly

⁴ This is the argument of David Bank's *Breaking Windows: How Bill Gates Fumbled the Future of Microsoft* (New York: Free Press, 2001).

at the same common end: to empower competitors to check Microsoft's power.

Improvements of the Alternative

The alternative remedy adds features to the proposed decree that are in my view beneficial. Central among these is the more effective enforcement mechanism. The alternative proposes the establishment of a special master, with sufficient authority to oversee compliance. This, as I've indicated, is a necessary condition of any successful decree, and may also be sufficient.

Beyond this significant change, however, there are a number of valuable additions in the states' alternative. By targeting the "binding" of middleware to the operating system, the alternative more effectively addresses a primary concern of the Court of Appeals. This restriction assures that Microsoft does not architect its software in a way that enables it strategically to protect itself against competition. Such binding was found by the courts to make it costly for users to select competing functionality, without any compensating pro-competitive benefit.

The alternative also assures much greater competition with new versions of the Windows operating system by requiring that prior versions continue to be licensed by Microsoft. This competition would make it harder for Microsoft to use its monopoly power to push users to adopt new versions of the operating system that advance Microsoft's strategic objectives, but not consumer preferences.

Finally, the alternative addresses a troubling decision by Microsoft to refuse to distribute Java technologies with Windows XP. This decision by Microsoft raises a significant concern that Microsoft is determined to continue to play strategically to strengthen the applications barrier to entry.

Concerns about the proposed alternative

While I believe the alternative represents a significant improvement over the proposed consent decree, I am concerned that the alternative may go beyond the proper scope of the remedy.

Open Sourcing Internet Explorer: While I am a strong supporter of the free and open source software movements, and believe software of both varieties is unlikely ever to pose any of the same strategic threats that closed source software does, I am not convinced the requirement of open sourcing Internet Explorer is yet required, or even effective. Both proposed remedies have a strong requirement that application interfaces be disclosed, and until that remedy proves incomplete, I don't believe the much more extreme requirement of full disclosure of source code is merited.

The definition of Middleware Products: The central target of the litigation was Microsoft's behavior with respect to middleware software. Understood in terms relevant to this case, middleware software is software that lowers the applications barrier to entry by reducing the cost of cross-platform compatibility. Java tied to the Netscape browser is an example of middleware so understood; had it been successfully and adequately deployed, it would have made it easier for application program developers to develop applications

that were operating system agnostic, and therefore would have increased the demand for other competing operating systems.

This definition is consistent with the alternative definition of "middleware." But the specification of "middleware products" reaches, in my view, beyond the target of "middleware." Middleware is not properly understood as software that increases the number of cross-platform applications; middleware is software that increases the ease with which cross-platform programs can be written. Thus, for example, Office is not middleware simply because it is a cross-platform program. It would only qualify as middleware if it made it easier for programmers to write platform-agnostic code.

The requirement that Office be ported: For a similar reason, I am not convinced of the propriety of requiring that Office be ported. While Office for the Macintosh is certainly a crucial application for the continued viability of the Macintosh OS, having Office on many platforms does not significantly affect the applications barrier to entry. No doubt if Microsoft strategically pulled the development of Office in order to defeat another operating system, or if it aggressively resisted applications that were designed to be compatible with Office (such as Sun's Star Office), that could raise antitrust concerns. But the failure simply to develop office for another platform would not itself respond to the concerns of the Court of Appeals.

No doubt, each of these additional remedies might be conceived of as necessary prophylactics given a judgment that Microsoft is resolved to continue its strategic anticompetitive behavior. And after a fair and adequate hearing in the District Court, such a prophylactic may well prove justified. At this stage, however, I am not convinced these have been proven necessary.

APPROPRIATE CONGRESSIONAL ACTION

It is obviously inappropriate for Congress to intervene in an ongoing legal dispute with the intent to alter the ultimate judgment of the judicial process. Thus while I believe it is extremely helpful and important that this Committee review the matters at stake at this time, there is a limit to what this Committee can properly do. In a system of separated powers, Congress does not sit in judgment over decisions by Courts.

Yet there are two aspects to this case that do justify a greater concern by Congress. Both aspects are intimately tied to earlier decisions by the Court of Appeals. First, in light of the Court of Appeals' judgment in the 1995 Microsoft litigation, *United States v. Microsoft Corporation*, 56 F.3d 1448 (D.C. Cir. 1995) (Microsoft I), it is clear that the Tunney Act proceedings before the District Court are extraordinarily narrow. Second, in light of the Court of Appeals' judgment in 1998 Microsoft litigation, *Microsoft II*, it is not clear that, absent consent of the parties, the District Court has the power to appoint a special master with the necessary authority to assure enforcement of any proposed remedy. Both concerns may justify this Committee taking an especially active role to assure a proper judgment can be reached—in the first case through its consultation with the executive, and the second, possibly with clearer legislative authority.

The Tunney Act Proceedings

In *Microsoft I*, the Court of Appeals for the DC Circuit held that the District Court's authority under the Tunney Act to question a consent decree proposed by the government was exceptionally narrow. Though that statute requires that the District Court assure that any consent decree is "within the public interest," the Court read that standard to be extremely narrow. If the decree can be said to be within "the reaches of the public interest," *Microsoft I*, 56 F.3d at 1461, then it is to be upheld.

The consequence of this holding is that it will be especially hard for the District Court to question the government's proposed decree. Absent a showing of corruption, the decree must be affirmed. It is hard for me to imagine that the proposed decree would fail this extremely deferential standard. Thus any weaknesses in the proposed decree would have to be resolved in the parallel proceedings being pursued by the nine states.

This deference may be a reason for Congress in the future to revisit the standard under the Tunney Act. Such a review could not properly affect this case, but concerns about this case may well suggest the value in future contexts.

But the concern about this decree may well be relevant to this Committee's view about the appropriateness of the government's cooperation with any ongoing prosecution by the nine states. The federal government may well have decided its remedy is enough; it wouldn't follow from that determination that the federal government has a reason to oppose the stronger remedies sought by the states. At a minimum, the government should free advisors or consultants it has worked with to aid the continuing states as they may desire.

The power to appoint a "special master"

In *Microsoft II*, the Court of Appeals interpreted a District Court's power to appoint a special master quite narrowly. While the Court acknowledged the strong tradition of using special masters to enforce judgments, it raised doubt about the power of the special master to act beyond essentially ministerial tasks. In particular, the task of interpreting and applying a consent decree to contested facts was held by the Court of Appeals to be beyond the statute's power—at least where the District Court did not reserve to itself *de novo* review of the special master's determination. *Microsoft II*, 147 F.3d at 953–56.

This narrow view of a special master's power was a surprise to many. It may well interfere with the ability of District Courts to utilize masters in highly technical or complex cases. This Committee may well need to consider whether more expansive authority should be granted the District Courts. Especially in the context of highly technical cases, a properly appointed master can provide invaluable assistance to the District Court judge.

These limitations would not, of course, restrict the appointment of a master in any case to which the parties agreed. And it may well be that the simplest way for Microsoft to achieve credibility in the context of this case would be for it to agree to the appointment of a master with substantial

authority to interpret and apply the decree, subject to de novo review by the District Court. Such a master should be well trained in the law, but also possess a significant degree of technical knowledge. But beyond the particulars of this case, it may well be better if the District Court had greater power to call upon such assistance if such the Court deemed such assistance necessary.

MTC-00033734

Consumer Federation of America
STATEMENT OF DR. MARK N. COOPER On
THE MICROSOFT SETTLEMENT: A
LOOK TO THE FUTURE Before the
COMMITTEE ON THE JUDICIARY,
UNITED STATES SENATE, December
12, 2001

Mr. Chairman and Members of the
Committee,

My name is Dr. Mark Cooper. I am Director of Research of the Consumer Federation of America. The Consumer Federation of America is the nation's largest consumer advocacy group, composed of two hundred and seventy state and local affiliates representing consumer, senior citizen, low-income, labor, farm, public power, and cooperative organizations, with more than fifty million individual members.

I greatly appreciate the opportunity to appear before you today. This hearing on "The Microsoft Settlement: A Look To the Future" focuses public policy attention on exactly the right questions. What should the software market look like? Does the Court of Appeals' ruling provide an adequate legal foundation for creating that market? Is it worth the effort? What specific remedies are necessary to get the job done?

Our analysis of the Microsoft case over four years leads us to clear answers. We reject the claim that consumers must accept monopoly in the software industry. Real competition can work in the software market, but it will never get a chance if Microsoft is not forced to abandon the pervasive pattern of anticompetitive practices it has used to dominate product line after product line.

The antitrust case has revealed a massive violation of the antitrust laws. A unanimous decision of the Appeals Court points the way to restoring competition.

The public interest demands that we try. The proposed Microsoft-Department of Justice settlement is far too weak to accomplish that goal. The litigating states' remedial proposals are now the only chance that consumers have of enjoying the benefits of competition in the industry.¹

Real Competition In The Software Industry Is The Goal

¹ The Consumer Case Against Microsoft (October 1998); The Consumer Cost of the Microsoft Monopoly." 510 Billion and Counting (January 1999); Economic Evidence in the Antitrust Trial: The Microsoft Defense Stumbles Over the Facts (March 18, 1999); Facts Law and Antitrust Remedies." Time for Microsoft to be Held Accountable for its Monopoly Abuses (May 2000) (Attachment A); Mark Cooper, "Antitrust as Consumer Protection in the New Economy: Lessons from the Microsoft Case," *Hasting Law Journal*, 52 (April 2001) (see Attachment B); Windows XP/.NET: Microsoft's Expanding Monopoly, How it Can Harm Consumers and What the Courts Must Do to Preserve Competition (September 26, 2001) (see Attachment C).

The defenders of the Microsoft monopoly say that consumers cannot hope for competition within software markets because this is a winner-take-all, new economy industry. In this product space companies always win the whole market or most of it, so anything goes. In fact, Microsoft's expert witness has written in a scholarly journal that: "With "winner take most" markets... [If] there can be only one healthy survivor, the incumbent market leader must exclude its competition or die... There is no useful non-exclusion baseline, which the traditional test for predation requires... As to intent, in a struggle for survival that will have only one winner, any firm must exclude rivals to survive In a winner take most market, evidence that A intends to kill B merely confirms A's desire to survive."²

By that standard, if a monopolist burned down the facilities of a potential competitor, it might be guilty of arson and other civil crimes, but it would not be guilty of violating the antitrust laws. Consumers should be thankful that both the trial court and the Appeals Court flatly rejected this theory of the inevitability of monopoly and upheld the century old standard of competition.

In fact, the products against which Microsoft has directed its most violent anticompetitive attacks represent the best form of traditional competition—compatible products that operate on top of existing platforms seeking to gain market share by enhancing functionality and expanding consumer choice.³ Microsoft fears these products and seeks to destroy them, not compete against them, precisely because they represent uncontrolled compatibility, rampant interoperability and, over the long-term,, potential alternatives to the Windows operating system.

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EMBARGOED UNTIL 10:00 AM.
WEDNESDAY, DECEMBER 12, 2001
Association for Competitive Technology
TESTIMONY OF MR. JONATHAN ZUCK,
PRESIDENT, ASSOCIATION FOR
COMPETITIVE TECHNOLOGY (ACT)
BEFORE THE JUDICIARY COMMITTEE,
UNITED STATES SENATE, WEDNESDAY,
DECEMBER 12, 2001, 160 DIRKSEN SENATE
OFFICE BUILDING, WASHINGTON, DC
20510

ACT, 1413 K Street, NW, 12(th) Floor,
Washington, DC 20005, (202) 331 2130.
www.ACTonline.org

INTRODUCTION

Good morning, Mr. Chairman and members of the Committee. I am Jonathan Zuck, President of the Association for Competitive Technology, or ACT. On behalf of our member companies, it is my sincere honor to testify before this committee today. As a professional software developer and technology educator, I am grateful for this opportunity and appreciate greatly your interest in learning more about the effects of the proposed settlement entered into by the United States Department of Justice (DO J), nine state attorneys general and Microsoft on our industry. ACT is a national, Information Technology (IT) industry group, founded by entrepreneurs and representing the full spectrum of technology firms. Our members include household names such as Microsoft, e-Bay and Orbitz. However, the vast majority of our members are small and midsize business, including software developers, IT trainers, technology consultants, dot-corns, integrators and hardware developers located in your states. The majority of ACT members cannot hire lawyers and lobbyists or fly to Washington to have their views heard. Therefore, they look to ACT to represent their interests. To be sure, to meet the needs of our broad constituency, we don't always agree with our members, even Microsoft, on some policy issues.

I have a great deal of respect and sympathy for the plight of these small technology companies, because I spent over fifteen years running similar companies. During this time, I've managed as many as 300 developers, taught over a hundred classes, and worked on some interesting projects. I was responsible for a loan evaluation application for Freddie Mac, an automated Fitness Report application for the Navy and a Regional Check Authentication system for the Department of Treasury. I have built software on multiple platforms include DOS, DR-DOS, OS/2 and Windows using tools from many vendors including Microsoft, Oracle, Sybase, Powersoft, IBM, Borland and others. I remain active as a technologist and last year

designed a system to get to your corporate data wirelessly. I have also delivered keynotes and other presentations at technical conferences around the world.

While ACT members vary in their size and businesses, they share a common desire to maintain the competitive character of today's vibrant technology sector that has been responsible for America's "new economy." Unfortunately, for the last three years, the tens of thousands of small businesses in the IT industry, have been virtually ignored during the government's investigation and prosecution of Microsoft.

I believe the settlement, on balance, is good not only for the bulk of the IT industry, but for consumers as well. Voters also see the value in the settlement. Voter Consumer Research conducted polls of 1,000 eligible voters last month in Utah and Kansas that are quite telling. In Utah and Kansas, when asked if their state attorney general should pursue the case after the DOJ settlement had been reached, the respondents said, by a 6 to 1 margin, that they should not.

As one of the "techies" on this panel, I look forward to getting into more "real life" effects of the proposed settlement to prove this point.

With that backdrop, my testimony today is focused on describing how the settlement will foster competition for thousands of America's small IT companies and how that, in turn, will benefit consumers.

THE STATE OF OUR INDUSTRY

Before we discuss life in a post Microsoft settlement world, I must speak to present-day competition and innovation. I want to begin by stating unequivocally that, counter to the protestations of some "experts," competition in the IT industry is alive and well. One demonstrable example is amount of capital investment by Venture Capitalists (VCs) and where that money is headed. Despite the recent downturn, VCs are still looking for the next "billion dollar deal." I know because I have worked with many of them. I won't get into the negative impact this "homerun or nothing" strategy has had on our industry but suffice it to say, billion dollar deals do not come from investing in mature markets with limited growth potential and large existing players. Billion dollar deals only come from investing in new markets with unlimited growth potential and those do not include office productivity software market or even the general PC software market. Indeed, a recent survey of VC's conducted by the DEMOletter, showed that nearly a third of those surveyed will invest over \$100 million in start-ups in 2002 and that nearly 20 per cent are planning to invest up to \$250 million¹ The sectors of the IT industry receiving this money include software and digital media.² These are precisely the sectors that would benefit from this settlement. Suggestions that opposing the settlement would encourage VC's to change their stripes are ridiculous.

In fact, the information technology world is experiencing a shift away from desktop computing and toward other devices such as

personal digital assistants (PDA's), cell phones, set top boxes/game consoles, web terminals and powerful servers that connect them all. In all these growth markets, competition is very strong even though Microsoft is present. As of the third quarter of this year, more than 52 percent of all PDA's were shipped with the Palm operating system while only 18 percent carded a Microsoft operating system according to Gartner. With cell phone manufacturers rushing to integrate PDA functionality, there is several large players including Symbian (a joint venture between Nokia, Motorola, Ericsson, Matsushita [Panasonic], and Psion), Palm, Linux and Research in Motion's Blackberry operating system. In the game console/set-top box arenas, Microsoft is just entering the picture with established companies like Sony and Nintendo standing on large installed user bases.

The server market is probably the best example of this growing competition. According to IDC, Linux's worldwide market share of new and upgraded operating systems for servers was 27 percent in 2000. It was second only to Microsoft, which stood at 42 percent. IDC predicts predicted Linux's market share will expand to 41 percent by 2005, while Microsoft's will only grow to 46 percent. Things should only become more competitive with IBM putting a billion dollars into its Linux push this year. The vigorous competition in this space in proves in the absence of government intervention, companies like Linux can thrive.

BENEFITS OF THE SETTLEMENT

As the members of the Committee are doubtlessly aware, on November 2, 2001 the DOJ and Microsoft tentatively agreed on a settlement (or consent decree) designed to end the federal antitrust suit. Soon thereafter, nine states attorneys general signed off on a revised settlement. The proposed settlement succeeds in striking a difficult compromise between the "drastically altered" finding of liability adopted by the Court of Appeals and the wishes of Microsoft competitors and critics for crippling sanctions against the company.³ Remarkably, the negotiators have worked out a settlement proposal that, while entirely satisfying to none, includes something for everyone. A number of Microsoft competitors and their advocates have suggested that this agreement is flawed in that it "does not prevent Microsoft from leveraging its monopoly into other markets." This argument is based on an unfounded fear that Microsoft will attempt to monopolize other markets such as instant messaging and digital media. Undermining this argument is the fact that the Court of Appeals found unanimously that Microsoft did not use its monopoly in the browser (or middleware) market.⁴ The bottom line is that the settlement was focused on addressing the allegedly anticompetitive conduct of the past and preventing similar conduct in the future. It is entirely consistent with the basic tenet

³ United States v. Microsoft, 253 F.3d 34 (DC Cir. 2001) at 102.

⁴ The Court of Appeals noted "Because plaintiffs have not carried their burden on either prong, [of an attempted monopolization analysis] we reverse without remand."/d., at 63.

³ Mark Cooper, Antitrust and Consumer Protection, pp. 863-880.

¹ DEMOletter, December 2001, at 5-6.

² Id., at 5.

of antitrust law, which is to protect consumers and competition, not competitors.

With that understanding, it is important to address the benefits the industry and consumer will derive from implementation of the proposed settlement. ACT believes that the benefits of the settlement can be classified as follows:

1. Increased flexibility for Original Equipment Manufacturers (OEMs)
2. Increased flexibility for third party, IT companies
3. Greater consumer choice
4. Effective enforcement

I will discuss each benefit in turn, paying particular attention to the positive effects on competition in our industry.

1. Increased flexibility for Original Equipment Manufacturers (OEMs) OEMs play a pivotal role in "supply chain" of delivering a rich computing experience for consumers. They provide independent software vendors (ISVs), many of whom are small IT companies, a valuable conduit by which to sell their wares directly to consumers by vying for space on the computer desktop. Thus, it is critical that OEMs have the flexibility to meet market demands by negotiating with ISVs for this type of placement. This practice is known as "monetizing the desktop" and is consistent with market-based competition. Under the proposed settlement, OEMs will have the flexibility to develop, distribute, use, sell, or license any software that competes with Windows or Microsoft "middleware"⁵ without restrictions or any kind of retaliation from Microsoft.⁶ Reinforcing this flexibility, the settlement prohibits Microsoft from even entering into agreements that obligate OEMs to any exclusive or fixed-percentage arrangements.⁷ This allows OEMs to negotiate with an array of ISVs through the use of any number of incentives. Moreover, OEMs obtain some control over the desktop space for such things as icons and shortcuts.⁸ Another critical element allowing the OEMs to create a competitive playing field is that they have the ability to have non-Microsoft operating systems (e.g., Linux) and other Internet Access Providers (IAP) offerings (e.g., alternative Internet connections such as AOL) launch at boot-up.⁹

MTC-00033734—0146

IHVs, especially the thousands of small and mid-size companies in these categories, make up a bulk of the IT industry and will

⁵ "Microsoft Middleware Product" is a defined term, while inconsistent with common industry usage, has the meaning of "the functionality provided by Internet Explorer, Microsoft's Java Virtual Machine, Windows Media Player, Windows Messenger, Outlook Express and their successors in a Windows Operating System Product." Revised Proposed Final Judgment, Section VI.K.

⁶ Id., Section III.A.

⁷ Id., Section III.G.

⁸ Id., Section III.C.

⁹ Id., Section III.C.

party IT companies Like OEMs, ISVs and Independent Hardware Vendors (IHVs) gain the flexibility to develop, distribute, use, sell, or license any software that competes with Windows or Microsoft middleware without restrictions or any kind of retaliation from Microsoft.¹⁰ The importance of this fact cannot be overstated. ISVs and

be able to utilize this flexibility to innovate and deliver "consumer critical" products such as instant messaging and digital media to consumers.

The ISVs and IHVs will obtain advance disclosure of Windows APIs, communications protocols, which ,, ,ill increase the quantity, and quality, of competitive product offerings.¹¹ As with OEMs, Microsoft will be barred from thwarting competition by entering into agreements that obligate ISVs, IHVs, LAPs, or ICPs to any exclusive or fixed-percentage arrangements.¹² It should be noted that the settlement restricts some freedoms in crafting contracts with Microsoft, and thus may discourage some companies that might otherwise like to sign on to "dance" with Microsoft. However, it also protects other companies from any efforts by Microsoft to prevent them from teaming up with Microsoft's competitors like Sun Microsystems or AOL.

3. Greater consumer choice

Nothing is as important to our industry as giving consumers, or end users, the freedom to choose what products and services they want or need. To this end, the settlement ensures that consumers will have the ability to enable or remove access to Microsoft or non-Microsoft middleware, or substitute a non-Microsoft middleware product for a Microsoft middleware product.¹³ Microsoft's detractors have generated much commotion with the notion that removal of icons or "automatic invocations" is not enough, and that to give consumers "real" choice, underlying code would have to be removed. This is nonsensical for two reasons.

First, it is a known fact that removal of visible access (e.g., an icon) to middleware or an application is a very effective means of getting the end user to forget about it. Think about how many icons reside on the average user's desktop that serve to "remind" him of what product to use for a certain task. It is a simple case of "out of sight, out of mind." Second, it is also a known fact that removal of the underlying does nothing to enhance consumer choice, and actually could destabilize the platform, increasing costs to consumer software developers who could no longer count on programming interfaces within the Windows operating system. The net result of these provisions is that consumers will be in the position to pick the products they), consider to best meet their needs—whether it be downloading music, sharing pictures over the Web, or chatting with friends via instant messaging applications.

Another myth propagated by Microsoft's competitors is that Microsoft gets to reset the desktop to its preferred configuration 14 days after the consumer buys it no matter what steps the OEM or the consumer have actually taken to try to exercise the choice to use a non-Microsoft product. This is absolutely false. The desktop would not be reset and consumers will always retain choice. For example, consumers can choose among the

OEM's configuration, their own configuration and Microsoft's configuration.

4. Effective Enforcement

The final dement of the settlement that will ensure competition is the enforcement provisions. Microsoft must license its intellectual property to the extent necessary for OEMs and other IT companies to exercise any of the flexibility provided in the agreement.¹⁴ In an unprecedented move, the decree creates a jointly appointed Technical Committee (TC) to monitor compliance,¹⁵ The TC will have three members and unspecified staff, and be granted unfettered access to Microsoft staff and documents. While the TC is a better enforcement mechanism than having to apply to a court for each software design element, it is not without some flaws. For example, there are no restrictions on how the TC can be utilized as a tool by Microsoft's competitors to delay shipment of an operating system or middleware product. While this may cause Microsoft some heartburn if it is used for such delay, it will be a fatal malady to the thousands of small and mid-size ISVs, IHVs, training firms and consultants that depend on a timely product launch. I am not a lawyer, so I can only propose a practical solution to this problem. Perhaps the competitors (or anyone else with the view that Microsoft is not complying with the consent decree) should be required to bring their problems to the TC at specified times during the development life cycle. This would prevent "last minute" delays.

Finally, Microsoft is required to implement an internal Compliance Officer to be responsible for handling complaints and compliance issues.¹⁶ This is yet another safeguard that aggrieved parties can use to ensure Microsoft's compliance with the consent decree.

Unfortunately these provisions are not enough to satiate some bent on seeing that this settlement never gets approved. For example, the) "question why the settlement lasts for only 5 years rather than the customary 10. This inquiry fails to acknowledge the realities of the IT industry and the speed at which we innovate. One need only think about the number and types of products that have emerged since 1998 to see why applying static conduct restrictions are out of step with our industry and provide no added value. Further, I believe seeking extended application of the settlement only exposes a bias against Microsoft Because of the significant impact on our industry, I must also address the additional remedies proposed by the nine state attorneys general who did not sign the consent decree. While their aim to "restore competition" is a valid and important antitrust principle—as long as it is limited to the elimination of competitive barriers—their proposal ignores the Court of Appeals ruling and runs counter to established antitrust jurisprudence. The DOJ settlement agreement was wise to avoid the dangerous temptation to redesign and regulate market outcomes. I'll point out two

¹⁰ Id., Section III.F.

¹¹ Id., Sections III.D., III.E.

¹² Id., Sections III.G., III.F.

¹⁴ Id., Section III.I.

¹⁵ Id., Section IV.B.

¹⁶ Id., Section IV.C.

defects of the state's proposal. First, requiring that Windows "must carry" Java does nothing for consumers who can download it with one click and only serves to thwart competition by giving Sun Microsystems a special government-mandated monopoly with which other middleware companies will have to compete. While I believe "must-carry" provisions are inherently anticompetitive, if the attorneys general were really trying to stand on principle they would have to ask for the same provisions for other middleware providers as well. Second, requiring Microsoft to port its Office product to Linux is tantamount to making it a "ward of the state." There are already several office productivity suites available to users of Linux and some are even free. It would stand to reason that if attorneys general are actually interested in removing an "applications barrier to entry" that may exist, they should force the developers of ALL popular software products to port them to Linux. It is clear that from the extreme nature of these proposals that the settlement must encompass all reasonable mechanisms to restore competition. The respondents to the Voter Consumer Research polls mentioned above also question the need for the far-reaching remedies that would hamper Microsoft's ability to innovate. In Utah for example, nearly 70% of voters believe that Microsoft's products have helped consumers and over 80% of these voters feel that that Microsoft has benefited the computer industry. These numbers beg the question: Where's the harm that would justify the nine state's harsh remedies.

Conclusion

For ACT member companies, the IT industry and for me, it has been a very long three and a half years. This settlement reflects a balanced resolution to this litigation and a welcome end to the uncertainty that has hung over our industry at a time when certainty is what we need most. It addresses the anticompetitive actions articulated by a unanimous Court of Appeals. I believe Assistant Attorney Charles James when he said "This settlement... has the advantages of immediacy and certainty."¹⁷ It is my sincere hope that the District Court will approve the settlement at the conclusion of the public comment period. There is no doubt in my mind that it is in the public interest to do so. Again, I thank the Committee for the opportunity to include the views of ACT's member companies at this important hearing.

Testimony of Matthew J. Szulik, President and CEO, Red Hat, Inc., to the Judiciary Committee of the United States Senate, December 12, 2001

Good morning.

I would like to thank the members of the committee for allowing me to contribute my views on a topic that I feel is of vital importance to the future of our nation. I stand before you today as Winston Churchill said, "only to fight while there is a chance, so we don't have to fight when there is none."

Through your actions, members of the committee can affect a remedy that many members of the growing, global technical community hope will restore balance and inspire competitiveness in a networked society free of monopolistic practices.

I stand before you today as a representative of the open source community. And as the CEO of Red Hat, Inc., generally regarded as the most successful company that sells and supports open source software. The Red Hat Linux operating system software we sell is created by a global community of volunteers. Volunteers who share their creation of intellectual property. The basis for their work is an open license that requires improvements to the technology be shared with others. Programmers submit their software code, their creations to the scrutiny of a very critical community of peers. The best code wins and is included in the next version of the software. This open communication strikes me as so perfectly American. I envision the early leaders of this country drawing up the tenets of our constitution in much the same way—in the open, in pursuit of a solution that is fair and of benefit to all.

Some have called this the technology equivalent of a barn-raising. Through this approach Linux software has grown, improved and become one of the most stable, cost-effective operating systems in the world. It continues to improve every day.

The values and practices of Red Hat are in most ways antithetical to those of the monopolist I am here to reference.

Much testimony has been provided on the practices by the monopolist, which in my view have placed a technical and financial stranglehold on the technology industry. Mr. McNealy and Mr. Barksdale and others that have come before me have done a good job of presenting the issues to the committee. I support their conclusions that the software industry needs government intervention. I support their requests for strong enforcement of antitrust laws.

I would like to reaffirm their case, that innovation will occur when there is a competitive environment free of monopolistic practices.

Open source software arose because of a lack of alternatives that allowed the individual to choose the best tool for the job. Over the past 5 years, projects created by Red Hat and the open source community have become solutions of choice in areas of standards-based Internet software development, areas that the monopolist does not yet control.

The growth of the Linux operating system is an example of this acceptance. The Apache web server is another, it now holds a market-leading position. However, the Internet browser, desktop operating system and office productivity software are areas that have continued to be influenced by one vendor alone.

One of the reasons I am so deeply troubled by the consent decree in this case is that it seems to run counter to things that are fundamental to our identity as Americans. We value fair play, ethical competition, abiding by the rules and fostering innovation. The consent decree throws all of this away.

It acknowledges that my competitor has broken the law; that through these violations it has built one of the most formidable businesses in the world. Yet the consent decree does little to prevent future misconduct. I feel if the antitrust laws are not enforced, the will and spirit of the true innovators will suffer.

Lengthy legal critiques of the consent decree are already on record. In the interest of time I will not subject you to more this morning. I am sure you've heard enough legal arguments in considering this topic. Rather, I want to make a few key points:

First, their growing monopoly power has seriously warped the technology market. Now that my competitor is a convicted monopolist, the world can see in the public record what those in technology companies have known for years: they don't compete fairly, they use their dominance in one market to dominate others, and they stifle innovation in the name of competition. The only way to stop this—to restore fairness to the market—is a settlement of this case that denies the monopolist the fruits of its past actions and provides remedial measures on the monopolist for its violations of the law.

Second, the consent decree as it stands today, falls far short of this requirement. Given the monopolist's history of skating up to the edge, or over the edge, in not fully complying with prior settlements, it will take very strong measures to change their behavior. In the words of Massachusetts Attorney General Thomas F. Reilly, commenting on the consent decree: "Five minutes after any agreement is signed with Microsoft, they'll be thinking of how to violate the agreement. They're predators. They crush their competition. They crush new ideas. They stifle innovation. That's what they do."

Microsoft is deeply concerned about open source software and has already making overtures on how it will use dominance rather than technical expertise to crush it.

The CEO of the monopolist said, quote, "Linux is a cancer that attaches itself in an intellectual property sense to everything it touches."

The head of the monopolist's Windows Platform Group has similar beliefs: He said publicly, quote, "Open source is an intellectual property destroyer. I can't imagine something that could be worse than this for the software business." He goes on further to say, "I'm an American, I believe in the American way. I worry if the government encourages open source, and I don't think we've done enough education of policy-makers to understand the threat."

In my view, the consent decree should create a level playing field between Windows and Linux. Because of their comments, and their past actions, I believe the current consent decree is not strong enough. They will circumvent it.

Third, we have all heard of the Digital Divide. It's the gap in information and computing access between the haves and have nots in our society. As many states struggle with declining revenues, I believe these shortfalls will have a material impact on the public funding of K-12 and higher education. The path to the development of an

¹⁷ Remarks of Assistant Attorney Charles James, Department of Justice press conference, November 2, 2001.

information economy can not be limited to a sole supplier, who in my view has seen education up to this point, relative to its financial position as a market—not as a responsibility. I believe the lack of choices and high recurring costs is in part responsible for this growing chasm between the two Americas.

I'm involved with North Carolina Central University—an historically black university that cannot afford the monopolist's restrictive licenses and forced upgrades. I see this sad experience in schools throughout our country. Walk the halls of schools in East Roxbury, MA or Snow Hill, NC and question how we can expect, as a nation, to improve the future for our youth when schools must allocate 30–40% of their IT budget for software and hardware upgrades. Provided choice, these same dollars could be put into teacher training and acquiring more technology. The Chinese government understands this. The French and German governments as well. They have stated that proprietary software will not be used to develop government and educational infrastructure.

But the monopolist has more than 90% of the desktop operating system market and more than 70% of the Internet browser market. What choices do our schools have? What choices do our citizens have? As the monopolist extends its monopoly into additional markets, largely unfettered by the legal system and apparently immune to the consequences of their actions—the Digital Divide widens.

Biologists know that an unbalanced ecosystem, one dominated by a single species, is more vulnerable to collapse. I think we're seeing this today. Under the consent decree, it will continue and probably get worse.

In America, history has taught us that there is no mechanism more logical and efficient and than a free and open market. Our competitor's illegal monopolistic actions have significantly reduced the open market in information technology. I believe that in extreme cases like this, it is the role of the government to step in and restore balance.

Thank you.

Testimony of Mitchell E. Kertzman, Chief Executive Officer, Liberate Technologies before the United States Senate, Committee on the Judiciary, Wednesday, December 12, 2001

Introduction

Mr. Chairman, Senator Hatch, and other members of the Committee, thank you for the chance to speak on this critical topic. The Proposed Final Judgment is woefully inadequate. It is a backward-looking document that fails to prevent Microsoft from abusing its monopoly position to increase costs and stifle new technologies—not just for personal computers, but also for new technologies like digital televisions, cellular phones, game consoles, and personal digital assistants. Microsoft has already announced its intent to expand its dominance beyond PC operating systems, servers, and applications to new devices and even personal information via its “eHome” and “Passport” initiatives. According to comments made by Microsoft President Steve Ballmer just last

week, Microsoft is pursuing a “broader concept” for its client devices like the xBox and set-top box software. In his words, “[T]here's a bigger play we hope to get over time” by annexing all of these devices into the Microsoft empire. Microsoft's own demos and white papers show that it plans to establish its operating system as the software that would collect information streaming into the home and distribute it to each new device. Microsoft has used and will continue to use its monopoly over desktop operating systems to deny competition in each new computing market as it evolves: first desktop applications, then internet browsers and servers, and now alternative devices ranging from smart phones to television set-top boxes. By dealing only with a narrow category of Windows products, and failing even there to impose any significant restrictions, the Proposed Final Judgment fails to check Microsoft's demonstrated willingness to exploit its power over the operating system in order to dominate other market segments.

Background

By way of personal background, I am the CEO of Liberate Technologies, a company making middleware software that enables interactive and enhanced television. Before joining Liberate, I was chairman and CEO of Sybase, then one of the world's ten largest independent software companies, founder and CEO of Powersoft, an enterprise software company, and chairman of both the American Electronics Association and the Massachusetts Software Council. I am also currently a director of CNET, Handspring, and TechNet.

Throughout my career, I have both partnered with and competed against Microsoft. I have been impressed by the power of its dominant platforms, but also concerned about the abuses that resulted from that dominance. I have seen Microsoft consistently use its power to block competition in new markets through at least three types of misconduct that the PFJ does nothing to deter: (1) Preventing original equipment manufacturers from supporting new technologies; (2) Tying commercial restrictions to investments; and (3) Blocking non-Windows-based industry standards.

(1) Preventing Original Equipment Manufacturers from Supporting New Technologies

My current company, Liberate, was originally Network Computer Incorporated, promoting computers and software that would operate via a network to significantly reduce the cost of computing. This model, like the Netscape browser, threatened the dominance of the Windows platform. But because the manufacturers of many new devices also manufacture desktop PCs, Microsoft was able to exploit its desktop OEM relationships to discourage competition. For example, Network Computer had an active relationship with Digital Equipment Corporation to develop a device running our software. Microsoft and Mr. Gates simply threatened the CEO of DEC that they would port Microsoft's NT operating system to DEC hardware only if

DEC stopped development of a network computer, an offer DEC couldn't refuse. It's clear, and the courts have reaffirmed, that a monopoly simply cannot engage in this kind of conduct.

Such tactics forced us to exit this business, and the price of PC operating systems and applications remains as high as ever when all other computing costs have plummeted.

The Proposed Final Judgment focuses only on Windows products for desktop PCs and includes broad and ambiguous exceptions to its limits on retaliation. These loopholes would apparently let Microsoft get away with the kind of misconduct it perpetrated against Network Computer. The result would be to block or delay the development of new competitive devices and technologies. The remedy proposed by the non-settling states would, on the other hand, prevent Microsoft from engaging in this type of retaliation and unfairly extending its desktop monopoly to a wider array of software and devices.

(2) Tying Commercial Restrictions to Investments

Second, in investing the considerable proceeds of its desktop monopoly in new markets, Microsoft has extracted, or attempted to extract, exclusive or near-exclusive commercial distribution arrangements to block out competitors. In the interactive television industry alone, Microsoft has invested billions of dollars with leading cable and satellite networks. As recently as this week, Microsoft has again aggressively pursued this strategy with leading operators both here and in Europe. The strings attached to these investments often require networks to buy Microsoft's middleware, making it difficult or impossible for them to buy competitive products.

Microsoft's money is a heavy thumb on the scale, biasing choices of future technologies in its favor. As new-generation computers and small consumer devices often rely on networks for their interconnections, these investments in network companies set the stage for continued dominance of these new platforms as they evolve.

Again, the PFJ fails to even address the issue of such restrictive dealings outside the scope of desktop products. In contrast, the remedies filed last week by the non-settling states, while not barring new investments, would at least require that Microsoft give 60 days notice to permit a review of anti-competitive effects.

(3) Refusing to Support Non-Windows-Based Industry, Standards

Microsoft has also abused its monopoly position by blocking industry-wide standards essential to the evolution of a new generation of network-based devices. In our industry, Microsoft has undermined Java as a standard for digital television, lobbying heavily to prevent U.S. and European standards bodies from standardizing on Java. As you know, Java lets developers “write once, run anywhere”, permitting content to run across a wide variety of platforms rather than just on Microsoft's proprietary code.

As a second prong of this strategy to block, co-opt, or “embrace and extend” standards, Microsoft has refused to join with other

technology companies in pooling its intellectual property, instead indicating that it will sue to block the implementation of standards wherever it can find a violation of one of its patents. Microsoft certainly has the right not to support a standard. However, they are exploiting their dominance in the PC market to distort standards elsewhere.

Third, by removing the Java Virtual Machine from its PC operating systems while the JVM is common elsewhere, Microsoft discourages developers from creating new "write-once, run-anywhere" content, undermines support for uniform standards, and drives developers to write to proprietary Microsoft platforms. It is clear that Microsoft's foot-dragging and affirmative interference has slowed the deployment of digital television in the United States. Cable companies and television manufacturers both say that a gating issue has been the lack of a definitive standard for digital television, a standard that Microsoft's tactics have delayed and undermined. Microsoft's approach stands in direct opposition to the clearly expressed will of Congress and the interests of all Americans interested in richer and more varied television programming.

Yet again, the PFJ would do nothing to prevent these abuses. The remedies recently filed by the non-settling states—by making available Microsoft APIs and certain types of code, opening access to the personal identification data captured by Microsoft Passport, and requiring the distribution of the Java Virtual Machine—would promote technology interoperability and the development of universally beneficial standards while maintaining relatively open alternatives to Microsoft software and services.

Conclusion

The PFJ is a disappointment. Disappointing because it is weaker than the facts and the law of the case support, and disappointing because it will not limit Microsoft's plans to dominate new markets in the same way it has dominated operating systems, applications, and servers in the past.

I welcome this hearing, and hope that this Committee will continue to exercise vigorous oversight of this case to assure that the final outcome is in the best interests of American consumers.

Ralph Nader
P.O. Box 19312
Washington, DC 20036
December 11, 2001
Senator Patrick Leahy
Judiciary Committee
US Senate
Washington, DC
Via fax: 1.202.224.9516

Dear Senator Leahy: This is a quick note to express my disappointment that I will not be among the panel members for the December 12, 2001 hearing on Microsoft. James Love on our staff made a number of telephone calls to your Judiciary Committee staff asking that he or I be permitted to testify, beginning as soon as the hearings were first announced. As you may know, we played an instrumental role in 1997 in pushing the Department of Justice to bring this antitrust case, and hosted two key conferences that helped flame the discussions over the case

and the proposed remedies (<http://www.appraislng-microsoft.org>). I am attaching also two letters . James Love and I have recently sent regarding the government and private antitrust cases. Would you please include these letters in the printed hearing record. Thank you.

NO. 574 002
Ralph Nader
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Washington, DC 20036
James Love
Consumer Project on Technology
P.O. Box 19367
Washington, DC 20036
November 5, 2001
Judge Colleen Kollar-Kotelly
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

RE: US v. Microsoft proposed final order

Dear Judge Kollar-Kotelly,

Introduction

Having examined the proposed consent final judgment for USA versus Microsoft, we offer the following initial comments. We note at the outset that the decision to push for a rapid negotiation appears to have placed the Department of Justice at a disadvantage, given Microsoft's apparently willingness to let this matter drag on for years, through different USDOJ antitrust chiefs, Presidents and judges. The proposal is obviously limited in terms of effectiveness by the desire to obtain a final order that is agreeable to Microsoft.

We are disappointed of course that the court has moved /way from a structural remedy, which we believe would require less dependence upon future enforcement efforts and good faith by Microsoft, and which would jump start a more competitive market for applications. Within the limits of a conduct-only remedy, we make the following observations.

On the positive side, we find the proposed final order addresses important areas where Microsoft has abused its monopoly power, particularly in terms of its OF. OEM licensing practices and on the issue of using interoperability as a weapon against consumers of non-Microsoft products. There are, however, important areas where the interoperability remedies should lie stronger. For example, there is a need to have broader disclosure of file formats for popular office productivity and multimedia applications. Moreover, where Microsoft appears to be given broad discretion to deploy intellectual property claims to avoid opening up its monopoly operating system where it will be needed the most, in terms of new interfaces and technologies. Moreover, the agreement appears to give Microsoft too many opportunities to Undermine the free software movement. We also find the agreement wanting in several other areas.. It is astonishing that the agreement fails to provide any penalty for Microsoft's past misdeeds, creating both the sense that Microsoft is escaping punishment because of its extraordinary political and economic power, and undermining the value of antitrust penalties as a deterrent. Second, the agreement does not adequately address the

concerns about Microsoft's failure to abide by the spirit or the letter of previous agreements, offering a weak oversight regime that suffers in several specific, areas. Indeed, the proposed alternative dispute resolution far compliance with the agreement embraces many of the worst features of such systems, operating "in secrecy, lacking independence, and open to undue influence from Microsoft.

OEM Licensing Remedies

We were pleased that the proposed final order provides for non-discriminatory, licensing of Windows to OEMs, and that these remedies include multiple boot PCs, substitution of non-Microsoft middleware, changes in the management of visible icons and other issues. These remedies would have been more effective if they would have been extended to Microsoft Office, the other key component of Microsoft's monopoly power in the PC client software market, and if they permitted the removal of Microsoft products. But nonetheless, they are pro-competitive, and do represent real benefits to consumers.

Interoperability Remedies

Microsoft regularly punishes consumers who buy non-Microsoft products, or who fail to upgrade and repurchase newer versions of Microsoft: products, by designing Microsoft Windows or Office products to be incompatible or non-interoperable with competitor software, or even older versions of its own software. It is therefore good that the proposed final order would require Microsoft to address a wide range of interoperability remedies, including for example the disclosures of APIs for Windows and Microsoft middleware products, non-discriminatory access to communications protocols used for services, and non-discriminatory licensing of certain intellectual property rights for Microsoft middleware products. There are, however, many areas where these remedies may be limited by Micro. soft, and as is indicated by the record in this c .use, Microsoft can and does take advantage of any loopholes in contracts to cream barriers to competition and enhance and extend its monopoly power.

Special Concerns for Free Software Movement

The provisions in J.1 and 1.2..appear to give Microsoft too much flexibility in withholding information on "security grounds, and to .provide Microsoft with the power to set unrealistic burdens on a rival's legitimate rights to obtain interoperability data. More generally, the provisions in D. regarding the sharing of technical information permit Microsoft to choose secrecy and limited disclosures over more openness. In particular, these clauses and others in the agreement do not reflect an appreciation for the importance of new software development models, including those "open source" or "free" software development models which are now widely recognized as providing an important safeguard against Microsoft monopoly power, and upon which the Interact depends.

The overall acceptance of Microsoft's limits on the sharing of technical information to the broader public is an important and in our view core flaw in the proposed

agreement. The agreement should require that this information be as freely available as possible, with a high burden on Microsoft to justify .secrecy. Indeed, there is ample evidence that Microsoft is focused on strategies to cripple the free software movement, which it publicly considers an important competitive threat. This is particularly true for software developed under the GNU Public License (GPL), which is used in GNU/Linux, the most important rival to Microsoft in the server market. Consider, for example, comments earlier this year by Microsoft executive Jim Allchin:

<http://news.cnet.com/news/O-1003-200-4833927.html>

"Microsoft exec calls open source a threat to innovation," Bloomberg News, February 15, 2001, 11:00 a.m. PT One of Microsoft's high-level executives says that freely distributed software Code such as Linux could stifle innovation and that legislators need to understand the threat.

The result will be the demise of both intellectual property rights and the incentive to spend on research and development, Microsoft Windows operating-system chief Jim Allchin said this week. Microsoft has told U.S. lawmakers of its concern while discussing protection of intellectual progeny rights ... "Open source is an intellectual-property destroyer," Allchin said. "I can't imagine something that could be worse than this for the software business and the intellectual-property business."....

In a June 1, 2001 interview with the Chicago Sun Times, Microsoft CEO Steve Ballmer: again complained about the GNU/Linux business model, saying "Linux is a cancer that attaches itself in an intellectual property sense to everything it touches. That's the way that the license works," leading to a round of new stories, including for example this account in CNET.Com: <http://www.suntimes.com/output/tech/cst-fin-micro01.html> "Microsoft CEO takes launch break with the Sun-Times," Chicago Sun Times, June 1, 2001.

<http://news.cnet.com/news/O-1003-200-6291224.html>

"Why Microsoft is wary of Open source: Joe Wilcox and Stephen Shankland in CNET.com. June 18, 2001.

There's more to. Microsoft's recent attacks on the open-source movement than mere rhetoric: Linux's popularity could hinder the software giant in its quest to gain control of a server market that's crucial to its long-term goals Recent public statements by Microsoft executives have east Linux and the open-source philosophy that underlies it as, at the minimum, bad for competition, and, at worst, a "cancer" to everything it touches. Behind the war of words, analysts say, is evidence that Microsoft is increasingly concerned about Linux and its growing popularity. The Unix-like operating system "has clearly emerged as the spoiler that will prevent Microsoft from achieving a dominant position" in the worldwide server operating-system market, IDC analyst Al Gillen concludes in a forthcoming report.

.. While Linux hasn't displaced Windows, it has made serious inroads... [.. In attacking Linux and open source, Microsoft finds itself competing "not against another company, but

against a grassroots movement," said Paul Dain, director of application development at Emeryville, Calif.-based Wirestone, a technology services company.

... Microsoft has also criticized the General Public License (GPL) that governs the heart of Linux. Under this license, changes to the Linux core, or kernel, must also be governed by the GPL. The license means that if its company changes the kernel, it must publish the changes and can't keep them proprietary if it plans to distribute the code externally...

Microsoft's open-source attacks come at a time when the company has been putting the pricing squeeze on customers. In early May, Microsoft revamped software licensing, raising upgrades between 33 percent and 107 percent, according to Gartner. A large percentage of Microsoft business customers could in fact be compelled to upgrade to Office XP before Oct. 1 or pay a heftier purchase price later on. The action "will encourage—"force" may be a more accurate term— customers-to upgrade much sooner than they had otherwise planned," Gillen noted in the IDC report.. "Once the honeymoon period runs out in October 2001, the only way to "upgrade" from a pr0duet that is not considered to be current technology is to buy a brand-new full license."

This could make open-source Linux's GPL, more attractive to some customers feeling trapped by the price hike, Gillen said. "Offering this form of "upgrade protection" may motivate some users to seriously consider alternatives to Microsoft technology." ...

What is surprising is that the US .Department of Justice allowed Microsoft to place so many provisions in the agreement that can be used to undermine the free software movement. Note for. example that under J. 1 and J.2 of the proposed final order, Microsoft can withhold technical information from third parties on the grounds that Microsoft does not certify the "authenticity and viability of its business," while at the same time it is describing the licensing system for Linux as a "cancer" that threatens the demise of both the intellectual property rights system and the future of research and development.

The agreement provides Microsoft with a rich set of strategies to undermine the development of free software, which depends upon the free sharing of technical information with the general public, taking advantage of the collective intelligence of users of software, who share ideas on improvements in the code. If Microsoft can tightly control access to technical information under a court approved plan, or charge fees, and use its monopoly power over the client space to migrate users to proprietary interfaces, it will harm the development of key alternatives, and lead to a less contestable and less competitive platform, with more consumer lock-in, and more consumer harm, as Microsoft continues to hike up its prices for its monopoly products.

Problems with the term and the enforcement mechanism Another core concern with the proposed final order concerns the term of the agreement and the

enforcement mechanisms. We believe a five-to-seven year term is artificially brief, considering that this case has already been litigated in one form or another since 1994, and the fact that Microsoft's dominance in the client OS market is stronger today than it has ever been, and. it has yet to face a significant competitive threat in the client OS market. An artificial end will give Microsoft yet another incentive to delay, meeting each new problem with an endless round of evasions and creative methods of circumventing the pro-competitive aspects of the agreement. Only if Microsoft believes it will have to come to terms with its obligations will it modify its strategy of Even within the brief period of the term of the agreement, Microsoft has too much room to co-opt the enforcement effort:

Microsoft, despite having been found to be a law breaker by the courts, is given the right to select "one member of the three members of the Technical Committee, who in turn gets a voice in selecting the third member. The committee is gagged, and sworn to secrecy, denying the public any information on Microsoft's compliance with the agreement, and will be paid by Microsoft, working inside Microsoft's headquarters. The public won't know if this committee spends its time playing golf with Microsoft executives, or investigating Microsoft's anticompetitive activities. Its ability to interview Microsoft employees will be extremely limited by the provisions that give Microsoft the opportunity to insist on" having its lawyers present.

One would be hard pressed to imagine an enforcement mechanism that would do less to make Microsoft accountable, which is probably why Microsoft has accepted its terms of reference.

In its 1984 agreement with the European Commission, IBM was required to affirmatively resolve compatibility issues raised by its competitors, and the EC staff had annual meetings with IBM to review its progress in resolve disputes. The EC reserved the right to revisit its enforcement action on IBM if it was not satisfied with IBM's conduct.

The court could require that the Department of Justice itself or some truly independent parties appoint the members of the TC, and give the TC real investigative powers, take them off Microsoft's payroll, and give them staff and the authority to inform the public of progress in resolving compliance problems, including for example an annual report that could include information on past complaints, as well as suggestions for modifications of the order that may be warranted by Microsoft's conduct. The TC could be given real enforcement powers, such as the power to levy fines on Microsoft. The level of fines that would serve as a deterrent for cash rich Microsoft would be difficult to fathom, but one might make these fines deter more by directing the money to be paid into trust funds that would fund the development of free software, an endeavor that Microsoft has indicated it strongly opposes as a threat to its own monopoly. This would, give Microsoft a much greater incentive to abide by the agreement.

Failure to address II1 Gotten Gains

Completely missing from the proposed final order is anything that would make Microsoft pay for its past misdeeds, and this is an omission that must be remedied. Microsoft is hardly a first time offender, and has never shown remorse for its conduct, choosing instead to repeatedly attack the motives and character of officers of the government and members of the judiciary.

Microsoft has profited richly from the maintenance of its monopoly. On September 30, 2001, Microsoft reported cash and short-term investments of \$36.2 billion, up from \$31.6 billion the previous quarter—an accumulation of more than \$1.5 billion per month. “

It is astounding that Microsoft would face only a “sin no more” edict from a court, after its long and tortured history of evasion of antitrust enforcement and its extraordinary embrace of anticompetitive practices—practices recognized as illegal by all members of the DC Circuit court. The court has a wide range of options that would address the most egregious of Microsoft’s past misdeeds. For example, even if the court decided to forgo the break-up of the Windows and Office parts of the company, it could require more targeted divestitures, such as divestitures of its browser technology and media player technologies, denying Microsoft the fruits of its illegal conduct, and it could require affirmative support for rival middleware products that it illegally acted to sabotage. Instead the proposed order permits Microsoft to consolidate the benefits from past misdeeds, while preparing for a weak oversight body tasked with monitoring future misdeeds only. What kind of a signal does this send to the public and to other large corporate law breakers? That economic crimes pay! Please consider these and other criticisms of the settlement proposal, and avoid if possible yet another weak ending to a Microsoft antitrust case. Better to send this unchastened monopoly juggernaut a sterner message.

‘James Love’

Cc: Stanley Sporkin, Judge Thomas Penfield Jackson, Anne K. Bingaman. Joel I. Klein

Sincerely,
Ralph Nader
Ralph Nader

P.O. Box 19312
Washington, DC 20036

James Love

Consumer Project on Technology
P.O. Box 19367

“Washington, DC 20036

December 10, 2001

Judge Honorable .1. Frederick Motz

United States District Court

District of Maryland

101 West Lombard Street

Room 510

Baltimore, MD 21201

Fax: + 1.410.962.2698

RE: Microsoft Corp. Antitrust Litigation, MDL No. 1332

Dear Judge Motz:

We are writing to ask that you reject the proposed settlement to the private antitrust actions against Microsoft, on the grounds that the settlement is inadequate in terms of the

relief, anticompetitive In terms of its structure, and is among the least effective mechanisms for expanding access to educational services.

Microsoft has extraordinary global monopoly power. In several essential software markets, “including most notably its more than 90 percent market share for the operating systems (Windows), word processing (Word), spreadsheets (Excel) and presentation graphics (Powerpoint), and it has engaged in the equivalent of an antitrust crime spree, using an astonishing array of anticompetitive practices to consolidate and expand its monopoly power. As a consequence, consumers are denied the benefits of competition, and suffer from sluggish innovation, poor quality products, fewer choices, and high prices. The Microsoft monopoly is highly profitable, and allowed Microsoft to accumulate an astonishing \$1.5 billion per month, in cash last quarter. The proposed settlement of the private antitrust claim is not only a tiny sum In comparison to

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Ralph Nader and James Love

Microsoft’s sales (\$1 billion every 13 days currently), but It will not even be paid in cash. It isn’t as if Microsoft can’t afford to pay. It has cash reserves more than \$36 billion right now. Microsoft simply sees the resolution of this antitrust case as a great opportunity to engage in more anticompetitive conduct—in this case converting its liabilities for antitrust damages into a slush fund to undermine its competitors in the educational market.

The court should not allow the lawyers who have proposed this settlement to bury this important antitrust case with yet another disappointment in the long history of weak efforts to reign in Microsoft’s assaults on consumers. The settlement should not be yet another marketing effort by Microsoft aimed at the strategically important education market. It should provide a measure of justice that has yet eluded a long list of law enforcement officials. We object to many aspects of the settlement.

* The size of the damages is small by any reasonable interpretation of the harm to consumers.

* Microsoft is demonstrating zero remorse for its price gouging, and indeed has engaged in its most aggressive price hikes to date, as it continues to narrow consumer rights in license agreements, raises standard and negotiated license fees (including those for the educational market), and steps up its coercive strategies to force upgrades, such as its “abandonment of support for older licenses, and the introduction of new non-Interoperable technologies that will not work without, increasingly frequent upgrades.

The proposal will make it even less attractive for schools to purchase products from Microsoft competitors, because Microsoft will subsidize its sales from the antitrust settlement costs, having the intended and entirely predictable effect of strengthening Microsoft’s marketshare and weakening further its few remaining rivals. Moreover, to the degree that the funds from

the settlement are small relative to the number of schools that will seek grants or donations, and if Microsoft is perceived to play any role in determining who obtains grants, schools may be reluctant to purchase products from Microsoft rivals, thinking this will undermine their chances or receiving benefits from the settlement fund, allowing Microsoft to leverage the anticompetitive effect of the settlement fund. (One need only look at the comments filed in this proceeding to appreciate how eager various non-profit Institutions are to curry favor with Microsoft. Many groups that have received Microsoft grants are now on record opposing efforts to reject this settlement as inadequate and anticompetitive.) For schools, the more “important issue is dealing with skyrocketing license fees, which this settlement will only address in a minor way, for a small number of users, and for only a short time.

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Ralph Nader and James Love

If the court wishes to direct the settlement resources for the educational market, it should do so in such a way as to promote competition, rather than to reduce competition. One solution would be to place the money into a trust fund to be used only for purchases of non-Microsoft products, creating a needed boost to the market for alternatives. Another would be to require the funds be donated to groups who develop free software alternatives—these very alternatives that Microsoft executives have claimed were their main competitive threat during the USDOJ/State AG antitrust litigation. Either of these approaches will directly address the longer term concern over software pricing, the problem this case seeks to remedy.

Sincerely,

Ralph Nader

Consumer Project on Technology

MTC-00033734—0171

Written Statement of Mark Havlicek Digital Data Resources, Inc.

Provided to the Senate Committee on the Judiciary

Washington, DC

December 12, 2001

Thank you, Chairman Leahy and distinguished Members of the Committee including my own Senator Grassley. I am pleased to contribute my comments to your hearing on the Microsoft Settlement: A Look to the Future.” My name is Mark Havlicek and I am the President of Digital Data Resources, Inc. in Des Moines, Iowa. I have been actively involved in the technology industry for several years, and it is my hope that the Microsoft case will be settled.

The economic outlook for 2002 is very concerning. From coast to coast, revenue growth has slowed, spending is exceeding budgeted levels, and many states are looking at large budget cuts. My own state of Iowa is in the middle of a terrible budget crisis.

After the events of September 11, we saw a dramatic plunge in the technology sector. Instead of being tied up in court, technology entrepreneurs should at work developing products and charting new territory with never before imagined products and services. Given the opportunity and free of

unnecessary hurdles to progress, technology companies can build our economy back up to record levels. Giants like Apple, IBM, and Microsoft provide a stable environment for the myriad small firms, like mine, to create, develop, and release new cutting-edge technologies and employ additional people in good paying careers. Small companies like my own, work in concert, and competition at times, with these giants. This mutually dependent relationship is the lifeblood of our industry and a driving force behind our growth.

Over the past 20 years, we have seen computers go from the size of a refrigerator to the size of a deck of cards. And in tandem with those leaps forward, we have seen declining prices, better and faster technology, and increasingly more efficient methods of delivery to consumers.

It takes a competitive, entrepreneurial spirit to survive in this exceptionally aggressive industry of ours, especially in the case of small or emerging businesses. We spend our days watching competitors, finding markets, and keeping a watchful eye on the economy. And it seemed the storm has passed, both figuratively and in the eyes of the stock market, when a settlement was announced last month.

But the states, including my own state of Iowa, which remain involved have argued for tougher enforcement provisions, including a court-appointed "special master" to oversee Microsoft's compliance. And we have found through experience that there is no remedy discrete to Microsoft when it's the nucleus of a tech sector that operates as its own economy.

These states are not right to push ahead for further prosecution of Microsoft. The proposed settlement is sufficient to address the concerns of business people like me who are in the technology industry and are most affected. Companies like mine strive to be similar to Microsoft and we are discouraged by the hold-out states position on further action. It seems to me to be a strong disincentive to progress and entrepreneurial achievement.

The time to take a hard line on successful companies like Microsoft is over. The hold-out states are holding out to the detriment of their state economies and our national economy at a time when actions like this are not at all useful. It is a frightening prospect to see another dollar of precious development resources diverted to paying attorneys' fees instead of rippling through our industry. Money that could have launched a new product or created new opportunities for a small business on the brink instead has disappeared into the abyss of this lawsuit. The settlement is a positive step in putting it all behind us and opening a new chapter in the life of the technology industry.

I applaud Assistant Attorney General Charles Lames for his role in bringing the case this far. The settlement agreement is a strong one. It will have an enormous, positive impact on the future of my company and the entire software industry. My colleagues and I hope we can rely on your support. Thank you, Senators, for the opportunity to provide this statement at such a critical for our nation.

Thank You,
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MTC-00033734—0173

DDR

Testimony by

[Jerry Hilburn, President and Founder]
Catfish Software, Inc.

Provided to the

U.S. Senate Committee on the Judiciary
December 12, 2001

I am very pleased to provide a written statement for your hearing on "The Microsoft Settlement: A Look to the Future." Thank you, Chairman Leahy, and Members of the Committee, for the opportunity, to deliver a small businessperson's perspective on the case before this distinguished group.

I would like to tell you my point of view on the Microsoft case. I am a small businessman in San Diego, California. Catfish Software, Inc. started operations in 1994 providing network services and custom database applications for small business. In 1998, Catfish Software launched an E-mail Application Services branch providing double opt-in mail list service and web-based customer support applications and today, Catfish Software provides support to 300+ companies reaching 2,000,000+ subscribers of its software services.

One of my firm's top competitors is Microsoft's bCentral. So you may ask why I speak in favor of the Microsoft settlement. Businesses large and small have mortgaged their futures against the impact of the terrorist war. Some smaller businesses—technology and otherwise—have already found themselves strangled by a lack of consumer demand and by slowdowns in corporate and consumer spending. Most of us are finding it is time to shore up resources and protect our assets from the impact of the war.

In this time of so much uncertainty, we need the promise of a brighter day and the knowledge that the government—from the federal level on down—is doing everything possible to invigorate our flagging economy. Competition and consumer preference should decide the direction of the marketplace and meanwhile, the government should not rush to intervene in the New Economy. The last thing our economy needs at this time is the burden of remedies which do nothing but slow the pace of development and limit the choices of consumers.

The Justice Department handled this case admirably, and the settlement they agreed upon is sound. The settlement outlines how Microsoft can operate, but more importantly it provides some assurances to an industry that has been on unstable ground lately.

Microsoft's ability to design and produce new software in turn creates opportunities for small and medium-sized developers to write applications which operate on a Windows-based platform. As the old saying goes, a high tide floats all ships. Calls for

break-up of the company did not help the already tenuous situation. And when Microsoft looked like it might be pulled under, the Nasdaq was hit as well as the stocks of many high-tech companies. But when announcements of the settlement were made public around the beginning of November 2001, everyone got a nice little bump. Consumers and other technology entrepreneurs were hopeful that this case could be put to bed and that the tech sector could get back to business.

This litigation that has been an albatross around all our necks for so long—and ending the string of lawsuits associated with it—will have a positive effect on the tech economy. With a little luck, that will ripple out to America's economy as a whole.

With so many technologies poised to enter the marketplace, Microsoft and many others, including Catfish Software are looking for ways to enhance the computing experience. The Internet has become a center of most everyone's daily lives—from toddlers typing their first strokes with learning games to seniors learning how to send and receive e-mail. Untapped markets and unimagined ideas abound, but we must not harness the creativity or the ability of software firms to bring those products to bear in the marketplace. The olive branch of settlement was extended, and it is a solution that is good for the economy and good for the tech industry. Allow us the opportunity to get back to work and earn money with our products and ideas once again.

This concludes my testimony. Once again, I thank the Committee and its distinguished Members for the opportunity to provide written testimony on this important issue.

HTC-00033734—0175

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THE MICROSOFT SETTLEMENT:

A LOOK TO THE FUTURE

Written Testimony Submitted by the
Computing Technology Industry Association
in Connection with Senate Committee on the
Judiciary Hearings December 12, 2001

Prepared by

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THE MICROSOFT SETTLEMENT:

A LOOK TO THE FUTURE

STATEMENT OF INTEREST

The Computing Technology Industry Association (CompTIA) is the world's largest trade association in the information technology and communications sector. CompTIA represents over 8,000 hardware and software manufacturers, distributors, retailers, Internet, telecommunications, IT training and other service companies in over 50 countries. The overwhelming majority of CompTIA members are resellers—companies that resell software and hardware to consumers, businesses, or other resellers.

These resellers are vendor-neutral and their objective is to be able to sell whatever products their customers wish to buy. In that sense they believe that antitrust laws should focus primarily on consumer impact rather than competitor impact. Microsoft is a member of CompTIA as are many of Microsoft's competitors.

In 1998, CompTIA's Board of Directors adopted a formal policy statement on antitrust. That statement supports sensible antitrust enforcement that is based on demonstrable economic effects in the marketplace. CompTIA believes that market forces typically correct any temporary market imperfections and that government regulators should only intervene in the technology marketplace when there is overwhelming evidence of a substantial and pervasive market failure. Pursuant to its policy statement, CompTIA has written and spoken frequently on antitrust issues of relevance to the technology sector. In June 1998, CompTIA filed an amicus brief in the *Intel v. Intergraph* litigation in the U.S. Court of Appeals for the Federal Circuit. In that case CompTIA urged the court to reject a lower court's finding that antitrust allegations could be a basis for ordering a company to disclose its valuable intellectual property.

CompTIA filed an amicus brief in the United States Court of Appeals for the District of Columbia Circuit in the *United States v. Microsoft* case in November 2000. The amicus brief urged the Court of Appeals to reverse the District Court's order breaking Microsoft into two separate companies and further urged the Court of Appeals to reverse the liability findings against Microsoft. The basis for CompTIA's participation as amicus and submission of this testimony to the Committee is its interest in the overall health and prosperity of the technology sector.

The antitrust case against Microsoft and the final remedies that will be imposed upon Microsoft have a direct effect on the overall health and prosperity of the technology sector. First, because Microsoft is such a large and important participant in the technology industry, any remedy that affects the company's operations necessarily affects the industry, Microsoft's vendors, and all companies that rely on Microsoft products. A remedial order that goes beyond the issues in the case may have a significantly detrimental effect upon innovation and growth in the industry. Second, the precedent established in this case has important ramifications for future activities in the technology sector. Overly restrictive sanctions imposed upon Microsoft may act to inhibit competitive behavior by other companies throughout the industry thereby deterring conduct that promotes innovation and technological development.

INTRODUCTION

On November 6, 2001 the United States Department of Justice and nine States entered into a Proposed Final Judgment with the Microsoft Corporation that resolves the antitrust charges brought by those governmental entities against the company. In the days after the settlement was announced, the nine non-settling States and the District of Columbia expressed their intention to continue litigation against

Microsoft in an effort to convince the United States District Court that more extensive remedies should be ordered. On December 7, 2001 the non-settling States filed their remedy proposal with the District Court.

This testimony analyzes the Court of Appeals opinion, the November 6, 2001 Proposed Final Judgment, and the non-settling States' remedy proposal and arrives at the following conclusions:

- The U.S. Court of Appeals June 28, 2001 opinion reaffirmed that the central goal of the U.S. antitrust laws is not to protect competitors from competition nor is it to penalize a defendant. The central goal of the antitrust laws is to promote competition in order to enhance consumer welfare.

- In order to support its remedy in the remand proceeding now before the District Court, the Court of Appeals opinion requires that the government show a significant causal connection between Microsoft's anticompetitive conduct and actual injury to competition and consumers in the marketplace. If the government fails to prove a causal connection, then the remedy imposed can be no more broad than an order enjoining the specific anticompetitive conduct at issue.

- Given the risks to both sides from further litigation, the November 6 Proposed Final Judgment is a reasonable settlement of the remaining disputed issues in the case that insures that Microsoft's anticompetitive conduct will not be repeated, and insures that every market participant has a fair opportunity to compete. The settlement also insures that the technology industry will not be encumbered with excessive regulation that would stifle innovation and growth.

- The additional remedies proposed by the non-settling States on December 7 are not likely to enhance competition or promote consumer welfare. The vast majority of the States' proposals go far beyond the scope of the liability found by the Court of Appeals and are thus legally unsupportable. Further, the proposed remedies would likely interfere with natural market forces, impose higher costs on consumers, impair innovation, and benefit Microsoft's competitors at the expense of consumers.

I. SUMMARY OF THE COURT OF APPEALS OPINION

A. Background

On June 28, 2001 the United States Court of Appeals for the District of Columbia Circuit ("Court of Appeals") issued its ruling in *United States v. Microsoft*. The Court of Appeals found that Microsoft had violated Section 2 of the Sherman Act by taking anticompetitive actions to protect its monopoly in the computer operating system market. The Court, however, reversed the District Court rulings entered adverse to Microsoft regarding tying, attempted monopolization, and imposition of a break-up remedy. The case has been remanded to the District Court for proceedings on the appropriate remedy to address the monopoly maintenance findings.

While much of the Court of Appeal's opinion focuses on issues that are specific to Microsoft, the Court made two preliminary yet important observations with respect to

antitrust enforcement activities in the high-tech sector. First, the Court noted that despite the relatively fast pace of the Microsoft proceedings, the speed at which technologically dynamic markets undergo change is even faster. The consequences of the speed at which the market changes has significant implications for the conduct of antitrust cases. This rapid change "threatens enormous practical difficulties for courts considering the appropriate measure of relief in equitable enforcement actions, both in crafting injunctive remedies in the first instance and reviewing those remedies in the second." Opinion at 10-11.

Because technology moves so quickly there is little likelihood that a company with large market share at any given time can engage in anticompetitive exclusionary behavior that causes consumer injury. In many instances a more desirable successor technology may very rapidly displace a large market share company before that company is even able to attempt to exercise monopoly power.

Second, the Court also noted that competition in the technology marketplace is frequently "competition for the market" rather than "competition in the market." This means that there is intense competition between firms when a new product is introduced, but once consumers choose the firm that makes the best product, that firm will likely garner the vast majority of market share. This "network effect" phenomenon means that as more users utilize a compatible and inter-operable system or service, the value to each user increases. Opinion at 11-12. Thus, the Court of Appeals made clear that lawful monopolies and companies with large market shares are frequently desirable and highly beneficial to consumers. Opinion at 11.

The Court of Appeal's inclusion of this theoretical discussion is a broad response to the question that many have asked since the beginning of the Microsoft case—that is, do the antitrust laws, written and applied predominantly in a brick-and-mortar era, have the same level of relevance in the information technology era? The answer is mixed. The antitrust laws do apply to the new economy, but the application of the rules must take into account economic realities and to insure that the objectives of antitrust are achieved: the protection and enhancement of competition as measured by consumer welfare.

The most dramatic illustration of the application of antitrust to the new economy was in the Court's rulings on the tying claim and in reversing the lower court's remedial order. The Court's application of a rule of reason analysis (rather than *per se* treatment) for tying claims while at the same time rejecting the "separate products" test marks a significant recognition that product integration in the technology sector is likely to have benefits to consumers that outweigh any harms to competition. Additionally, the Court's analysis in rejecting the lower court's break-up order suggests that absent a strong showing of a causal connection between anticompetitive acts and Microsoft's dominant position in the operating system market, radical structural relief or extensive conduct restrictions that go beyond the challenged conduct would be unsupportable.

B. Monopoly Maintenance

The Court of Appeals affirmed in large measure the District Court's ruling that Microsoft acted unlawfully to maintain its monopoly in the operating system market. The Court found that Microsoft viewed Netscape Navigator Internet browser as a potential threat to the Windows operating system because it could conceivably have become an intermediate platform (with exposed application programming interfaces or API's) for the development of software applications. In order to promote Internet Explorer and retard the distribution of Netscape Navigator, Microsoft placed restrictions on original equipment manufacturers (OEM's). OEM's were not permitted to remove the Internet Explorer icon or install a Navigator icon on the desktop.

The Court also found that the way in which Internet Explorer was integrated into Windows was unlawful. Beginning with the release of Windows 98, Microsoft removed Internet Explorer from the list of programs that could be accessed using in the add/delete program feature. The Court found that this had the effect of impeding the inclusion of rival browsers on a computer because OEM's were reluctant to place two Internet browsers on the desktop. Because Microsoft did not offer any pro-competitive justification for preventing the removal of Internet Explorer, the Court found this feature unlawful. The Court also found that Microsoft's dealings with some independent software vendors, Apple Computer Corp., Java, and Intel were designed solely to protect its operating system monopoly and therefore those dealings violated Section 2 of the Sherman Act.

Shortly after the Court of Appeals decision was released, Microsoft announced that it would modify its release of Windows XP to respond to the Court of Appeals rulings in the monopoly maintenance section of the opinion. Thus, OEM's now are permitted to have more control over the appearance of the Windows desktop; they may add icons for competing software and on-line services and delete the Internet Explorer icon from the desktop. OEM's and consumers also have the ability to remove Internet Explorer icon from a computer using the 1. Shortly after the Court of Appeals issued its ruling, Microsoft asked the court to reconsider the finding that Microsoft had unlawfully "commingled" code from Internet Explorer and Windows.

Microsoft argued that as a factual matter the District Court was incorrect in finding that Microsoft actually had placed Windows code and Internet Explorer code in the same libraries in order to prevent IE from being removed. The Court of Appeals denied Microsoft's petition for rehearing on this issue but wrote that Microsoft could raise this issue on remand with respect to the appropriate remedy in the case.

Microsoft's actions in allowing OEM's and/or consumers to remove the Internet Explorer icon and program link (and the inclusion of that concession in the settlement agreement) appears to address the Court's concerns regarding exclusion of rival browsers. Thus, any interpretation of the Court of Appeals decision to require that Microsoft re-engineer

Windows to duplicate shared code functions and then remove the IE code (as the non-settling States interpretation does) would be inconsistent with the language and policy of the opinion as a whole. Further, the Court of Appeals found that shared library files that perform functions for both the operating system and the browser enhance efficiency. Opinion at 73.

C. Attempted Monopolization

The Court of Appeals reversed and dismissed the District Court's finding that Microsoft unlawfully attempted to monopolize the Internet browser market. Opinion at 62-68. The District Court had found that Microsoft's 1995 proposal to divide the browser market with Netscape created a dangerous probability of monopoly and that Microsoft's aggressive marketing of Internet Explorer after June 1995 also created a dangerous probability of monopoly. But the Court of Appeals found that the government had failed to properly identify the relevant market including reasonable substitutes for Internet browsers. Further, the Court also found that there was no showing of significant barriers to entry in any putative browser market.

The Court's ruling on attempted monopolization has significant implications for future business activities in the technology sector. If the District Court rule had been upheld, the resulting rule would have made it virtually per se unlawful for successful firms to explore collaborative relationships with emerging competitors. Further, it would permit a "dangerous probability of success" to be proven simply by showing that a firm has secured a 50-60 percent market share without requiring any showing that the firm will ever be in a position to exercise market power—that is, the power to raise price and exclude competitors. Both propositions would have had serious adverse repercussions for the IT industry and would have likely blocked countless pro-competitive competitor collaborations that would benefit consumers.

Shortly after the Court of Appeals issued its ruling, Microsoft asked the court to reconsider the finding that Microsoft had unlawfully "commingled" code from Internet Explorer and Windows. Microsoft argued that as a factual matter the District Court was incorrect in finding that Microsoft actually had placed Windows code and Internet Explorer code in the same libraries in order to prevent IE from being removed. The Court of Appeals denied Microsoft's petition for rehearing on this issue but wrote that Microsoft could raise this issue on remand with respect to the appropriate remedy in the case. Microsoft's actions in allowing OEM's and/or consumers to remove the Internet Explorer icon and program link (and the inclusion of that concession in the settlement agreement) appears to address the Court's concerns regarding exclusion of rival browsers. Thus, any interpretation of the Court of Appeals decision to require that Microsoft re-engineer

Windows to duplicate shared code functions and then remove the IE code (as the non-settling States interpretation does) would be inconsistent with the language and policy of the opinion as a whole. Further, the Court of Appeals found that shared library files that perform functions for both the operating system and the browser enhance efficiency. Opinion at 73.

D. Tying

The District Court found that Microsoft's inclusion of Internet Explorer with Windows was a per se unlawful tying arrangement. The Court of Appeals reversed this conclusion and ruled that per se analysis was inappropriate for arrangements involving platform software products. Because the inclusion of added functionality into software products has the potential to be pro-competitive and generate vast consumer benefits, integration in this area must be judged under the rule of reason. The Court of Appeals remanded the tying claim to the District Court for analysis under the rule of reason. Opinion at 68-90. Under the rule of reason, however, future antitrust plaintiffs must bear a heavy burden to prove that software integration unlawful.

Historically tying arrangements have been deemed per se unlawful. But the Court properly recognized that software products are "novel categories of dealings" and that this case provided the "first up-close look at the technological integration of added functionality into software that serves as a platform for third-party applications. There being no close parallel in prior antitrust cases, simplistic application of per se tying rules carries a serious risk of harm." Opinion at 69. The Court also noted the benefits from software integration: "undling obviously saves distribution and consumer transaction costs." Opinion at 73.

In recognizing the potential benefits from integration, the Court then determined that the "separate products" test under *Jefferson Parish Hosp. Dist. No. 2 v. Hyde*, 466 U.S. 2 (1984)—that is, if the tying and tied products are "separate products" then the integration is unlawful—was not appropriate for platform software analysis.

Finally, the Court of Appeals issued precise instructions to the District Court in considering the tying in the event the government were to pursue the claim on remand. Those instructions preclude the plaintiffs from arguing any theory of anti-competitive harm based on a precise definition of the browser market or barriers to entry in the putative browser market. Opinion at 87. Faced with this new legal standard, the United States, on September 6, 2001, announced that it would not pursue the tying claim on remand.

In sum, adding new functions to existing software is a nearly universal form of innovation in the software industry and is essential in persuading customers to upgrade from their existing software to a new, improved version. For example, word processing programs have incorporated formerly separate spell-checkers and outliners, personal finance programs have incorporated tax functions, internet service providers have incorporated instant messaging features, database software companies are integrating their databases with their applications server, and e-mail programs have incorporated contact managers. If companies that gain a "dominant" position in a given field were

barred from innovating in this manner, consumers would be denied new benefits that result from integration, and the software industry would stagnate. The Court of Appeals rejection of a per se rule for platform software integration, and the government's subsequent decision to drop that claim on remand, insures that teleological innovation will be permitted to continue and provide consumers additional benefits.

E. Remedy

The Court of Appeals fundamentally altered the basis of liability found by the District Court and thus the structural and conduct remedies imposed by the lower court were reversed. Opinion at 106. The Court of Appeals correctly noted that an antitrust remedy must focus on restoring competition and the District Court must explain how its remedy will do so. Opinion at 99–100. Central to the inquiry of how to restore competition is the identification of specific injury to the competitive process by the defendant's behavior. Thus, the Court of Appeals directed the District Court on remand to make a finding of a "causal connection" when assessing an appropriate remedy. Opinion at 105.

While the Court of Appeals left the District Court with a large measure of discretion in fashioning an appropriate remedy on remand, there are repeated and clear directions that the evidence necessary to sustain a structural remedy or extensive conduct remedy must be very strong. Opinion at 105–06. Faced with this language, the United States announced on September 6, 2001 that it would no longer seek break up of Microsoft. The individual States have also dropped their demand for a structural remedy.

The remaining issue for the new District Court judge on remand, Colleen Kollar-Kotelly, is to fashion an appropriate remedy for the monopoly maintenance findings that were affirmed by the Court of Appeals. Here too the Court of Appeals has provided some general guidance. The appropriate remedy for Microsoft's antitrust violations may be "an injunction against continuation of that conduct." Opinion at 105. The language cited by the non-settling States that the unlawful monopoly "must be terminated" would only apply in the context of a demand for structural relief. The non-settling States have not made a demand for structural relief, nor have they made a showing of a causal connection between Microsoft's unlawful behavior and actual harm in the marketplace.

II. SUMMARY OF THE PROPOSED FINAL JUDGMENT

After the November 6, 2001 Proposed Final Judgment was announced many of Microsoft's competitors complained that the settlement was too lenient. The settlement, however, should not be designed as a wish list for Microsoft's competitors. The settlement should fairly address the areas of liability found by the Court of Appeals. Anything less would encourage Microsoft and other companies to engage in anticompetitive conduct in the future; anything more would inappropriately imperil the teleology marketplace, cause harm to consumers, and likely be struck down by the

Court of Appeals. Additionally, the settlement necessarily takes into account the fact that the issue of causation has not yet been decided by the Court. In light of the scope of the Court of Appeals decision and the uncertainty facing both sides from further litigation, the November 6 Proposed Final Judgment is a reasonable compromise of the antitrust litigation.

The November 6 Proposed Final Judgment addresses the liability issues in the monopoly maintenance section of the Court of Appeals decision, and correctly does not seek to impose a remedy related to other areas in which Microsoft prevailed on appeal—attempted monopolization and tying.

First, the settlement prohibits Microsoft from retaliating against any OEM because of the OEM's participation in promoting or developing non-Microsoft middleware or a non-Microsoft operating system. This provision takes the "club" out of Microsoft's hand and prevents the company from using anticompetitive means to discourage OEM's from promoting or preventing rival software from being developed or installed on Windows desktop. This anti-retaliation provision deals head on with most of the conduct the Court of Appeals found to be illegal in the monopoly maintenance section of its June 28, 2001 opinion.

Second, Microsoft is obligated to adhere to one uniform license agreement for Windows with all OEM's and the royalty for the license shall be made publicly available on a web site accessible by all OEM's. The price schedule may vary for volume discounts and for those OEM's who are eligible for market development allowances in connection with Windows products. This allows Microsoft to continue to compete in the middleware market with other middleware manufacturers and this competition will continue to benefit consumers.

Third, OEM's are permitted to alter the appearance of the Windows desktop to add icons, shortcuts and menu items for non-Microsoft middleware, and they may establish non-Microsoft programs as default programs in Windows. Consumers also have the option of removing the interface with an) Microsoft middleware product.

Fourth, Microsoft must reveal the API's used by Microsoft middleware to interoperate with the Windows operating system. Microsoft must also offer to license its intellectual property rights to any entity who has need for the intellectual property to insure that their products will interoperate with the Windows operating system. These central features of the settlement insure that other companies have the ability to challenge Microsoft products, both in the operating system and middleware / applications markets. Consumers and OEM's have far greater freedom to instal and use non-Microsoft products, Microsoft is prohibited from retaliating against any entity who promotes non-Microsoft programs, and all companies have equal access to Microsoft API's and technical information so that non-Microsoft middleware has the same opportunity to perform as well as Microsoft middleware.

The enforcement mechanisms of the settlement will enable the plaintiffs to insure

Microsoft's compliance with the agreement. Representatives of the United States and the States may inspect Microsoft's books, records, source code or any other item to insure compliance with the settlement terms. In addition, an independent three person technical committee will be established to insure that Microsoft complies with all terms of the settlement agreement. The technical committee will have full access to all Microsoft source code, books and records, and personnel and can report to the United States and/or the States any violation of the settlement by Microsoft.

III. SUMMARY OF THE NON-SETTLING STATES' DECEMBER 7 PROPOSAL

While the November 6 Proposed Final Judgment goes beyond the liability found by the Court of Appeals in some areas (i.e., by requiring Microsoft to disclose its confidential technical information to software developers), the non-settling States' proposal filed on December 7, 2001 goes so far beyond the judgment as to bear little relationship to the Court of Appeals decision.

The centerpiece of the states' remedy demand is that Microsoft be compelled to create and market a stripped down version of its Windows operating system that would not include many of the features that current versions of Windows do include. Since consumers can now easily remove Microsoft features from their desktop and OEM's are free to place non-Microsoft programs on the desktop, it is difficult to see how this requirement would benefit consumers.

Instead of giving consumers more choices of software products, this unwarranted intrusion into marketing and design decision by the non-settling States would cause further delays in the development of software created to run on XP, with developers waiting to see which version would become the standard. Such delays would further postpone the salutary effects of XP on the computer market. It would also hamper programmers' ability to take full advantage of technological improvements in Windows, creating a marketplace in which the same software applications would not perform equally. This remedy would balkanize the computing industry and would undermine the benefits consumers obtain from a standardized operating platform.

In addition to the stripped down version of Windows, the December 7 proposal would also require Microsoft to continue licensing and supporting prior versions of Windows for five years after the introduction of a new version of Windows. The primary effect of this requirement is to impose unnecessary costs upon Microsoft (that would likely be passed on to consumers) and reduce the incentives for Microsoft to improve the operating system. This disincentive to Microsoft to make technological advances would ripple throughout the software industry as applications developers would not have an advancing platform to write software to.

The non-settling States remedy proposal also includes a variety of restrictions that will have little if any quantifiable benefit to consumers but which will simply advance the interests of Microsoft competitors. Consumers and OEM's currently have full

ability and freedom to include Java software on their computers; the States' requirement that Microsoft carry Java on all copies of Windows does not provide consumers or OEM's with any more choice than they already have. Similarly, the requirement that Microsoft continue to produce an Office Suite for Macintosh interferes with natural market forces that direct resources to the best use and may actually preclude the success of competing applications software. Directing Microsoft to produce and support any software without regard for market forces is likely to harm consumers, not help them. Moreover, the November 6 Proposed Judgment fully addresses and prevents Microsoft from retaliating or taking any anticompetitive actions against Apple.

Advances in technology are frequently made as a result of joint ventures between competitors. The Department of Justice and the Federal Trade Commission have recently released guidelines for the formation of such joint ventures. Notwithstanding the recognition by these enforcement agencies that most joint ventures are pro-competitive, the non-settling States seek to restrict Microsoft from entering into joint ventures whereby the parties to the joint venture agree not to compete with the product that is the subject of the joint venture. This restriction will chill innovation and prohibit countless consumer welfare enhancing arrangements. Further, this proposal flatly ignores the fact that the Court of Appeals found in *Microsoft's* favor on the issue of the alleged illegality of its joint venture proposal to Netscape.

The most harmful of the remaining remedy proposals include those that require the extensive and mandatory sharing of Microsoft's intellectual property. The non-settling States proposals in this regard go well beyond those in the November 6 Proposed Final Judgment and appear to be aimed at benefitting Microsoft's competitors rather than insuring a level playing field for all participants in the software industry. In the absence of compelling justification for wholesale and forced disclosure of a company's intellectual property, the harm caused by such disclosure is unwarranted and harmful to the entire technology marketplace. The vigorous protection of intellectual property has fueled the rapid and dynamic growth of the technology industry. Actions that erode protections for intellectual property should be viewed with great trepidation.

The long term effects of the conduct restrictions proposed by the non-settling States encourage continued litigation, rather than competition in the marketplace.

CONCLUSION

The Microsoft settlement and any remedies imposed must be judged in the context of the Court of Appeals opinion. The non-settling States remedial proposals go well beyond the liability found by the Court of Appeals. The Microsoft case, and this Committee hearing, should not be a forum for any government actor, no matter how well-intentioned, to try to reconfigure the marketplace based on guesswork and supposition. History has told us time and time again that movement's efforts to micro-manage markets are far more

likely to fail than to succeed. Consumers stand to lose the most.

The Plaintiffs have never challenged Microsoft's acquisition of its dominant position in the operating system market. Microsoft was propelled into this position as a result of consumer choice. Consumers derive great benefit from the adoption of a standardized operating system platform. State antitrust officials and the courts should be wary of imposing remedies that would interfere with the positive network effects resulting from the large number of consumers who choose Windows.

Government intervention in the marketplace can only be justified if the intervention is a reasonably accurate proxy for the actions that would occur in a competitive market. Otherwise, the unintended consequences of well-meaning government intervention are very likely to do more harm than good. It is simply beyond the capability of the courts and regulators to predict the direction and development of almost any market, let alone the highly dynamic markets in the technology industry. This counsels against the extensive and rigid conduct restrictions proposed by the non-settling States.

Statement of Dave Baker
Vice President for Law and Public Policy
EarthLink, Inc.
Senate Judiciary Committee
Hearing on
"The Microsoft Settlement: A Look to the Future"

Wednesday, December 12, 2001

My name is Dave Baker and I am Vice President for Law and Public Policy with EarthLink. EarthLink is the nation's 3rd largest Internet Service Provider, bringing reliable high-speed internet connections to approximately 4.8 million subscribers every day. Headquartered in Atlanta, EarthLink provides a full range of innovative access, hosting and e-commerce solutions to thousands of communities over a nationwide network of dial-up points of presence, as well as high-speed access and wireless technologies.

EarthLink is concerned with the potential for Microsoft to use its affirmed monopoly position in operating systems to leverage its position in innovative Internet services provided by Internet Service Providers (ISPs) including Internet access and associated services.

The proposed Justice Department settlement with Microsoft allows them to continue to restrict competition and choice in ISP services by failing to classify e-mail client software and Internet access software as "middleware". By not including e-mail client and internet access software in the definition of middleware, this proposed settlement allows Microsoft to force OEMs to carry Microsoft's own ISP service, Microsoft Network (MSN), while restricting them from carrying competing e-mail client software or internet access software. The federal settlement also allows Microsoft to prohibit OEMs from removing the MSN from their products.

The alternate settlement proposed by nine States and the District of Columbia would define middleware to include e-mail client

software and Internet access software, thereby preserving competition in these markets. This distinction in the definition of middleware makes a huge difference given the diverse nature of the ISP marketplace. Many ISPs will never find a place on the Microsoft desktop if Microsoft can prohibit OEMs from including competing e-mail client software and Internet access software, or if Microsoft is able to make such software incompatible with the Windows operating system.

ISPs provide distinct and valuable services beyond mere Internet connectivity. For example, ISPs provide specialized content, web hosting, e-commerce, content specialized for wireless access, and other innovative new products. ISPs provide free local computer and Internet classes for their customers, include local content on their home page, or provide free connections for community groups. EarthLink, while serving a broad range of users across the country, has made greater privacy protection a distinguishing feature of its ISP service. This diverse choice of service and source of future innovation is at risk if Microsoft is able to leverage its existing monopoly power in operating systems to all but force consumers to use its Internet access service, MSN, at the expense of other choices in internet service.

Over the past few years, Microsoft has bundled its internet service more and more closely with succeeding versions of the Windows operating system. This has allowed Microsoft to constrict consumer choice in Internet access providers. In Windows 98, consumers had a choice of several ISPs from which to select for Internet access. Each ISP was listed in the same manner, with equal sized boxes on a referral server screen. In Windows Me, the MSN butterfly icon was the only ISP icon featured right on the desktop, giving it an advantage shared by no other ISP. Consumer had to click down through several screens to find other ISPs. Now, Windows XP has a dialogue boxes that pops up and several times to try to sway consumers to sign up for MSN internet service. While it is possible to select another ISP, this choice is buried and requires greater effort and diligence on the part of the consumer. This illustrates how Microsoft can use its control of the desktop to promote its own Internet access and related content, applications and services.

Under the proposed federal settlement, even this limited choice can be eliminated by Microsoft, since they would be free to restrict OEMs from offering other ISPs on the desktop or from removing Microsoft's own icons from the desktop.

On a related topic, Microsoft recently offered to settle numerous lawsuits by donating computer equipment to schools. Apple Computer has raised concerns that this donation would give Microsoft an inappropriate advantage in gaining greater market share for its operating system in the competitive school marketplace. EarthLink is also concerned that Microsoft would use the proposed computer donations (a good thing) to their own advantage by providing these schools with a product that bundles Internet access with equipment and operating software. This would again unfairly steer consumers, including as here those least able

to exercise choice in their internet applications, into using just associated Microsoft products.

We note that the E-Rate, the federal grant program for school connectivity, requires that schools be allowed to purchase Internet access from a range of competitive providers. The movement's clear intent is for schools to have a choice of competitive Internet access providers, in order to promote the broadest selection of services, diversity and choice of features, and lowest prices for Internet access. This intent would be undermined if Microsoft uses its proposed computer donations as a "Trojan horse" to install yet more of its own e-mail client and Internet access software. We encourage the preservation of choice for these schools and their students in their selection of Internet access and related services.

EarthLink is concerned that just as Microsoft used its Windows operating system monopoly to force consumers to use the Microsoft browser, Internet Explorer, at the expense of competitors such as Netscape Navigator, Microsoft is now seeking to use the same leverage to force consumers to use their Internet service provider, MSN. EarthLink supports the alternate settlement proposed by the nine States to preserve competition in the market for email client software and Internet access software by including these services in the definition of middleware. As it considers the future of the Internet marketplace, we encourage the Committee not to allow Microsoft to leverage its existing monopoly into new and evolving Internet services. Thank you for giving us the opportunity to share our views with the Committee.

BRIEFING

PROPOSED FINAL JUDGMENT IN

U.S. v. MICROSOFT

December, 2001

STATUS OF THE CASE

The U.S. Government and approximately half of the litigating states have decided to settle the case with Microsoft on terms the software industry views as inadequate under the standards for relief under decades of antitrust precedent. Nine states plus the District of Columbia have chosen to move forward with a hearing on remedy. Discovery is underway for that hearing and witness lists are currently being prepared for a trial set to commence in early March.

Pursuant to the District Court's order, the United States must simultaneously submit the settlement under the Antitrust Procedures and Penalties Act, which is described below.

THE TUNNEY ACT

The Tunney Act, formally known as the Antitrust Procedures and Penalties Act, was originally introduced by Senator John Tunney in September, 1972, and was signed into law by President Ford on December 21, 1974. The relevant sections of the Tunney Act were passed in part as a reaction to the scandal that erupted after the government settled its antitrust investigation of ITT (on grounds very favorable to the defendant), and it was discovered that ITT had lobbied extensively and engaged in secret negotiations to pressure the Department of Justice to agree to that settlement.

Microsoft has made no secret of the political influence it has sought to create during this trial. Its political contributions, lobbying, grassroots, and public relations efforts are unprecedented and well documented.³ Some might say there is an obvious and direct The Tunney Act also made certain antitrust violations felonies, rather than misdemeanors; increased the available penalties a court could impose; and instituted a variety of procedural reforms designed to expedite the trial and appeal of government antitrust cases. ² See Kintner, Federal Antitrust Law 40.25 at 208 n.721; 5 Von Kalinowski et al., Antitrust Laws and Trade Regulation 2d 96.0311] at 96-12 n.4. ³ "Microsoft Targets Funding for Antitrust Office." Dan Morgan and Juliet Eilperin. Washington Post October 15.1999. "Pro-Microsoft Lobbying, to limit antitrust funding irks, top lawmakers." The Wall Street Journal October 15, 1999. "Microsoft Paid For Ads Against DoJ Case." Madeleine Acer.

TechWeb September 20, 1999. "Microsoft Paid For Ads Backing Its Trial Position." David Bank. The Wall Street Journal September 20, 1999. "Microsoft Paid For Ads Backing It In Trial." Seattle Times September 19, 1999. "Pro-Microsoft Ads Were Funded by Software Giant." Greg Miller. Los Angeles Times September 18, 1999. "Microsoft Paid for Ads About Trial." Associated Press September 18, 1999. "Microsoft Covered Cost of Ads Backing It in Antitrust Suit." Joel Brinkley. New York Times September 18, 1999 "Rivals fear Microsoft will cut a deal." John Hendren. The Seattle Times June 21, 2001. "Bush's Warning: Don't Assume Favors Are Due." Gerald F. Seib The Wall Street Journal January 17, 2001. "Bounty Payments are offered for pro-Microsoft letters and calls." The Wall Street Journal October 20, 2000. "Microsoft is Source of "Soft Money" Funds Behind Ads in Michigan's Senate Race." John R. Wilke. The Wall Street Journal October 16, 2000. "Microsoft leans creatively on levers of political power as breakup decision looms, "stealth" lobbying efforts aim for survival." Jim Drinkard and Owen Ulmann. USA Today May 30, 2000. "Microsoft's All-Out Counterattack." Dan Carney. Amy Borrus and Jay Greene. BusinessWeek May 15, 2000.

"Aggressiveness: It's Part of Their DNA." Jay Greene, Peter Burrows and Jim Kerstetter. BusinessWeek May 15, 2000.

"The Unseemly Campaign of Microsoft." Mike France. Business Week April 24, 2000. "Microsoft's Lobbying Abuses." Editorial. New York Times November 1, 1999 "Awaiting Verdict, Microsoft Starts Lobbying Campaign." Joel Brinkley. New York Times November 1, 1999. "Microsoft Seeks Help Of Holders." John R. Wilke. The Wall Street Journal November 1.1999. causal connection between these activities and the weak nature of the proposed settlement, proving if nothing else that the public policy concerns that spawned the Tunney Act in the first place have been validated. Judge Kollar-Kotelly will be charged with the responsibility of determining the extent to which the public interest has been affected by the unprecedented politicization of this law enforcement matter. As the Senate Report that accompanied the Tunney Act

explained, "[t]he primary focus of the Department [of Justice]'s enforcement policy should be to obtain a judgment either litigated or consensual—which protects the public by insuring healthy competition in the future." While Congress did not want to discourage settlement of antitrust litigation—significantly more than half of government antitrust suits are settled—it determined that judges should independently review all settlement agreements, with adequate involvement by the public and others in the relevant industry, before entering a consent judgment.

Under the Tunney Act, the United States needs to publicize the settlement agreement, invite and respond to public and industry, comments on the details of that agreement, and defend the agreement in court—where the judge by statute would need to determine independently that the agreement was in the "public interest."

Even though Judge Kollar-Kotelly urged both sides to settle the case, the goal of any settlement must be to achieve the public interest objectives of the lawsuit more efficiently and with more certainty that the litigation process. Merely achieving an end to the litigation, and thus rewarding Microsoft for its intransigence over the years is not a legitimate goal, nor should it play any part in settlement analysis. In fact, the standards for review under the Tunney Act are substantially higher in this case than in typical Tunney Act cases. That is because there has never been a settlement - and therefore Tunney Act review—of an antitrust case that has been affirmed by an Appeals Court. Since there is no longer any litigation risk—or question about liability or the strength of the government's case the only appropriate interpretation of the "public interest" is in the context of the standards set forth by the Court of Appeals. "Microsoft's Bad Lobbying." Editorial. Washington Post October 24 1999. "Microsoft Attempt To Cut Justice Funding Draws Fire." David Lawsky. Reuters October 17, 1999. "Microsoft Targets Funding for Antitrust Office." Dan Morgan and Juliet Eilperin. Washington Post October 15, 1999.

"Pro-Microsoft lobbying to limit antitrust funding irks top lawmakers." The Wall Street Journal October 15, 1999. "Microsoft Paid For Ads Against DoJ Case." Madeleine Acer. TechWeb September 20, 1999.

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SUMMARY OF THE WEAKNESSES OF THE PFJ's

In the sections following we discuss—provision-by-provision—weaknesses in the Proposed Final Judgment. In this section, we focus on the more important issues of What is not included in the settlement in the first place. Remedy Ignores Clear Guidance of

Court of Appeals The central issue with the proposed remedy is its fundamental failure to meet the standards so clearly set forth by the Court of Appeals. Rather, the Department of Justice has articulated a view that all it must do is create a narrow set of remedies, which merely prevents Microsoft from engaging in the precise types of unlawful conduct against new competitive threats in the future. This view ignores the fact that unrestrained monopolists are likely to engage in new, creative forms of predation, which is why the Supreme Court has admonished the Department of Justice to "close the untraveled roads to monopolization, not just the traveled roads."

More troubling, the Department ignores the fact that competitive threats to Microsoft's monopoly do not appear with regularity. In fact, the dual threats of Netscape's Navigator browser and Sun's Java programming language—propelled by the Internet boom—may well be once in a lifetime competitive events. That is one of many important reasons why it is particularly inappropriate for the Department of Justice to allow Microsoft to keep all the "fruits" of its unlawful activity without any regard for the competitive impact on the industry or consumers.

Most industry observers have sadly reached the conclusion that the Department of Justice was prepared and eager to settle this case at an □, price. If permitted to stand, antitrust law enforcement in the high-technology industry—which many have described as the sector that now drives the economy—will be effectively repealed. Future antitrust defendants will follow the yellow brick road paved by Microsoft: deny that you are a monopoly regardless of the court findings, outlast and outspending your governmental adversaries and trust that sooner or later, the government will accept a meaningless settlement primary for the sake of settlement alone.

It is the responsibility of the Justice Department not to lose interest in enforcing the laws necessary to insuring competition and consumer choice. Settling on the cheap the most important antitrust case in a generation in the most important industry in America is an unwarranted abdication of responsibility. If permitted to stand, consumers will pay the price for generations to come in the form of diminished choices, higher prices, and stifled innovation.

No Remedy for the Browser or Java

The DOJ remedy is inadequate in the area of so-called "middleware." "Middleware" is a critical concept in this case because middleware is the software layer that—in a competitive market—could undermine Microsoft's ability to protect its monopoly. Both Netscape's Navigator and the Java programming language were examples of middleware threats, yet the Proposed Final Judgment is silent on both the Browser and Java. These middleware and platform threats were the central focus of the appeals court decision. It is insupportable to settle for a remedy that the Department of Justice knows will not have any competitive impact in the central markets at issue in the case.

Remedy Relies too Heavily on PC Companies (OEMs) As a general matter, the

middleware—and other remedies—imposed by the Department of Justice relies far too heavily on PC companies exercising flexibility in product design, rather than affirmatively requiring Microsoft to comply with the antitrust laws. It is possible—in fact, likely—to imagine a result where the PC companies choose not to exercise their new rights under a settlement. As a practical matter, that would leave the government with no remedy for the most important parts of the Appeals Court's ruling.

It is inappropriate for the government to impose—transfer—its remedial obligations under the antitrust laws to PC companies, which are wholly dependent upon the monopolist. The DOJ seems more willing to impose the burden of forcing Microsoft to comply with the antitrust laws on PC companies rather than impose even the slightest restrictions on Microsoft—the adjudicated monopolist—to change the way it does business. As both an economic and a practical matter, the PFJ imposes greater burdens on PC companies than it does on the adjudicated monopolist. Remedy/ow7ores Key Finding of the U.S. Court of Appeals Nothing in the agreement prohibits Microsoft's "commingling of code" or binding of its middleware to the OS. This was a major issue in the case; the Court of Appeals specifically found Microsoft's commingling of browser and OS code to be unlawful.

Microsoft petitioned the Appeals Court for a rehearing on this precise matter, which was summarily rejected by the court. And yet, after the Court clearly ruled on the rehearing, the DOJ adopts Microsoft's view—not the Courts. The settlement would explicitly permit Microsoft's commingling of code to continue.

The danger of the absence of this provision is reinforced by what is found in the definition "U," stating that the definition of what code comprises a Windows Operating System Product "shall be determined by Microsoft in its sole discretion." Thus, Microsoft can, over time, render all the protections for middleware meaningless, by binding and commingling code, and redefining the OS to include the bound/commingled applications.

Remedy "Requires" or "Mandates" Microsoft to Continue Business As Usual Two of the key provisions of the PFJ cited by DOJ as instrumental in restoring competition merely require Microsoft continue to engage in business as usual. First, DOJ points to the provision that allows PC companies and end users to remove "end user access" to Microsoft middleware (i.e. Internet Explorer, Windows Media Player, Windows Messenger, etc). It is important to understand that all "end user access" really means is the ability to remove the "icon" for the middleware application, not the middleware itself. Second, DOJ "grants" the PC companies "flexibility" to add or remove icons on the Windows desktop. On both points, it is apparently convenient for DOJ and Microsoft to forget that most of this flexibility either previously existed or was granted by Microsoft five months before the settlement on July 11th (see appendix one).

Moreover, PC companies have always enjoyed the flexibility to add icons to the

Windows desktop. Amazingly, the PFJ actually makes matters worse because it grants Microsoft the right to come back 14 days after a consumer buys a PC and—after confirmation from the user—automatically deletes all the changes a PC company made and restores the Microsoft software. You can imagine the prompt now: Two weeks have passed since you bought >our PC! Click on the Icon if you want to enhance your PC with better more robust multimedia capabilities from So, under this remedy, Microsoft gets to undermine the choices made by PC companies and grants Microsoft a "second bite at the apple" to badger consumers into—unknowingly or unwittingly—switching back to Microsoft's software.

Second, DOJ claims credit for "requiring" Microsoft to disclose to third party software developers the Applications Programming Interfaces (APIs) for Windows. A review of the definitions reveals that the provision is essentially meaningless. The API disclosure requirements for new versions of the Windows operating systems must be disclosed in a "timely manner." A close examination of the definition of "timely manner," exposes that this requirement is triggered when Microsoft distributes beta copies of its software to 150,000 "beta testers." Microsoft can be expected to insure that the number of beta testers remains below 150,000, thus exempting itself from the disclosure requirements in the first place. More telling is the fact that Microsoft never ever had 150,000 "beta testers" for Windows XP, Windows "98, or Windows "95.

But astonishingly, DOJ apparently did not make the effort to learn that Microsoft discloses information to third party software developers anyway, through a program called the Microsoft Developers Network (MSDN) (see <http://www.msdn.microsoft.com>). The MSDN program is "an essential resource for developers using Microsoft tools, products, and technologies. It contains a bounty of technical programming information, including sample code, documentation, technical articles, and reference guides." Why does Microsoft give out this information? Because the most important economic law of the software industry is that the more programs you have running on your platform (like Windows) the more valuable your platform is relative to competitors. So, the more applications Microsoft has running on Windows, the more valuable Windows becomes.

In the spring of 1995, Netscape requested from Microsoft the APIs necessary to insure that its browser would work with the Windows "95, scheduled for later that year. Microsoft resisted sharing this information for nearly a year, until well after Windows "95 was released. Because Windows "95 did not involve 150,000 beta testers, Netscape would not have had the right to receive the critical APIs if this remedy had been in place in 1995. Thus Microsoft's ability to arbitrarily withhold APIs from those that would deign to enter into competition with Windows is left intact.

Remedy Ignores Fundamental Economics of the Software Industry

The more developers that support Windows, the more valuable Windows

becomes. That is the fundamental economic reality of the industry. That is also why the "flexibility" to remove "end user access" to Microsoft's applications is so woefully inadequate. The fact is that under this remedy, regardless of whether consumers or PC companies affirmatively decide to remove a particular Microsoft middleware application (i.e. browsers, media player, instant messenger, e-mail, etc.) DOJ's remedy permits all of the code to remain. The impact of this decision is the third party developers will always write software to the middleware platform that is present on the largest number of PCs.

Under the PFJ, that middleware will always be Microsoft's middleware and non-Microsoft's middleware threats will never have a chance of attracting a large enough developer following to displace Windows. In response to a question about this precise issue in the Wall Street Journal, Charles James responded, "I don't care." (check either Nov. 11 or 12 WSJ).

Remedy is Unenforceable and Riddled with Loopholes

In addition, too many of the provisions require a mini-retrial to be enforced. In numerous places throughout Section III, the limitations on Microsoft's conduct are basically rephrased versions of the Rule of Reason. In other words, the constraints on Microsoft (once the exceptions are taken into account) devolve into a mandate that Microsoft act "reasonably." For example, in III.F.2, Microsoft may place enter into restrictive agreements with ISV's activities if they are "reasonably necessary." Likewise, the Joint Venture provisions found in III.G. also "reasonably necessary" test.

Aside from the obvious concern about Microsoft's willingness to do so given its track record, this formulation is problematic for two other reasons. First, it does little more than restate existing antitrust law (such provisions cannot be said to be "remedial" if they, in essence, are merely directives to refrain from future illegal acts). And second, in terms of enforcement, alleged violations of such "be reasonable" provisions can only be arrested through proceedings that will become, in essence, mini-retrials of *U.S. v. Microsoft* itself.

Moreover, the proposed remedy follows timelines that are too loose and too generous to a company with the engineering resources and product-update capabilities of Microsoft. Microsoft is given almost a year before making even the most modest changes. For example, the "icon" remedy discussed above merely requires Microsoft to allow PC companies and end users to remove the icon for particular programs from the Windows desktop. This functionality is readily available in Windows today. But even the more significant step of including the "icon" in the "add / remove" utility would require a trivial degree of engineering. Yet Microsoft is given a year—20 percent of the term of the decree -to implement even this rudimentary changes. Microsoft won the "Browser War" in less than a year. The Devil is in the Definitions

There are literally dozens of provisions that sound promising until the definitions reveal that in fact Microsoft has sole

discretion to determine whether or not the provisions are triggered at all. Just a few obvious examples:

As discussed above, the API disclosure requirements for new versions of the Windows operating systems are triggered only when Microsoft distributes beta copies of its software to 150,000 "beta testers." Microsoft can be certain to stop beta distribution well before those unprecedented number of testers receive beta copies in the first place. And even if Microsoft accidentally distributed 150,000 beta versions of Windows, the term "beta tester" is not defined anyway, giving Microsoft yet another obvious way to evade the disclosure provisions—which again are being touted as the centerpiece of the agreement.

Probably the most gratuitous provision comes at the last line of the PFJ. Definition "U" of the Windows Operating System Product definition, states: "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." This language, of course, has no practical import for the purposes of the PFJ except that it lets Microsoft evade many of the settlements provisions. It also strikes most observers as odd that an antitrust decree grants explicitly complete latitude to the defendant and seems to provide Microsoft with a judicially approved monopoly over the most important distribution channel in the software industry: Windows.

SECTION-BY-SECTION ANALYSIS OF THE PFJ

Some obvious problems with the agreement are discernable immediately. Below, we identify the most unsettling of those problems. Perhaps some are not in fact problems, but merely questions of misreading of the agreement; of course, the fact that reasonable people can read the agreement differently is itself indicative of the problem presented by it, given that Microsoft will surely interpret it as a determined and unrepentant monopolist.

A. Retaliation

The Scope of the Protection is Narrow: Most significantly, Microsoft is constrained only from the specified forms of retaliation. If it retaliates against a PC company for any non-specified reason, that retaliation is not prohibited. This formulation is particularly problematic because the protected PC company activities are narrowly and specifically defined. Retaliation against a PC company for installing a non-Microsoft application that does not meet the middleware definition is NOT prohibited; nor is retaliation against a PC company for removing a MSFT application that does not meet the middleware definition.

For example: MSN and MSN Messenger are not middleware under the definition of a Microsoft Middleware Product. If a PC removes the icon and start menu promotion of MSN and/or MSN Messenger, it can be subjected to retaliation.

Windows Movie Maker or the Windows photo editing software is not middleware so if a PC company decides to remove either of these products, Microsoft can retaliate.

More generally, it is odd to have a formulation that de facto approves of Microsoft's retaliation against PC companies, except where that retaliation is forbidden. And, it is odd that any certain types of retaliation (i.e., retaliation by changing contractual relations and retaliation by changing promotional arrangements) are forbidden, as opposed to prohibiting any form of retaliation whatsoever.

Non-Monetary Compensation Provision is Far too Narrow Microsoft is free to retaliate against PC companies that promote withholding any existing form of "non-monetary Compensation" introduced forms of non-monetary Consideration" may not be withheld. competition by - only "newly Termination Clause Will Intimidate PC companies Microsoft can terminate, without notice, a PC companies Windows license, after sending the PC company two notices that it believes it is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct; only two notices to any PC company of a putative violation, and thereafter, Microsoft may terminate without even giving notice. This provision means that the PC companies are, at any time, just two registered letters away from an unannounced economic calamity. It will render the PC companies severely limited in their willingness to promote products that compete with Microsoft.

Pricing Schemes Will Allow Microsoft to Avoid Effect of Decree Microsoft can price Windows at a high price, and then put economic pressure on the PC company to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to PC companies for distributing or promoting Microsoft's services or products. The limitation that these payments must be "commensurate with the absolute level or amount of" PC company expenditures is hollow—given that it is not clear how the PC companies costs will be accounted for, for this purpose.

B. Pricing

Microsoft Can Use Rebates to Eviscerate Competition

Under the settlement, Microsoft can provide unlimited "market development allowances, programs, or other discounts in connection with Windows Operating System Products." This provision essentially eviscerates the entire scheme of PC company choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Simply put, MSFT can charge \$150 per copy of Windows, but then provide a \$99 "market development allowance" for PC companies that install Windows Media Player as opposed to Real Networks media player. Presumably, this is intend to be prescribed by III.B.3.c, which provides that "discounts or their award" shall not be "based on or impose any criterion or requirement that is otherwise inconsistent with ... this Final Judgment," but this circular and self-referential provision does not ensure that the practice identified above is prohibited.

C. PC Company Licenses

Microsoft Retains Control of Desktop Innovation Microsoft retains control of desktop innovation, by being able to prohibit PC companies from installing or displaying icons or other shortcuts to non-Microsoft software/products/services, if Microsoft does not provide the same software/product/service. For example, if Microsoft does not include a media player shortcut inside its "My Music" folder, it can forbid the PC companies from doing the same. This turns innovation and the premise that PC companies be permitted to differentiate their products on its head.

For example, Sony—as a PC company and a major force in the music and photography industries—would be uniquely positioned to differentiate the "My Music" and "My Photos" folder. And yet, Sony's ability to do turns solely on the extent to which Microsoft chooses to unleash competition in these areas. Microsoft Retains Control of Desktop Promotion." Microsoft also, very oddly, can control the extent to which non-Microsoft middleware is promoted on the desktop, by virtue of a limitation that PC companies can promote such software at the conclusion of a boot sequence or an Internet hook-up, via a user interface that is "of similar size and shape to the user interface provided by the corresponding Microsoft middleware." Thus, Microsoft sets the parameters for competition and user interface.

Promotional Flexibility for Internet Access Providers Only, and Only for the PC companies "own" Internet Access Provider (IAP's) companies are allowed to offer IAP promotions at the end of the boot sequence, but not promotions for other products. Also, the phrase that defines the scope of this flexibility (a PC companies "own IAP offer") is ambiguous: it is not clear if the PC companies right is limited to offering an IAP product that is marketed under the PC companies brand, or if this includes any IAP that a PC company may reach an agreement with to promote in this space. The latter would obviously give the PC companies more flexibility.

D. API Disclosure

APIs Defined Too Narrowly

Microsoft can evade this provision by "hard-wiring" links to its applications, and through other predatory coding schemes. The disclosure is limited to "APIs and related Documentation." This may be too narrow and can be evaded. Moreover, the provision for the disclosure of "Technical Information" found in Judge Jackson's interim conduct remedies has been eliminated. These disclosures are necessary to provide effective interoperability.

E. Server Interoperability Issues (also found in III, E, I, H and J)

Only Full Interoperability Can Reduce Microsoft's Barriers to Desktop Competition The DOJ's proposed server remedy will fail to provide meaningful, competitive interoperability between Microsoft desktops and non-Microsoft servers.

The applications barrier to entry is central to this case and to Microsoft's desktop monopoly. A remedy that provides true server interoperability can be a powerful tool

to reduce the applications barrier to entry. The server has the same, or indeed more, potential to provide an alternative application platform to the desktop as did the browser or any other desktop runtime. In that sense it is directly analogous to middleware products.

Microsoft has plainly recognized the threat that non-Microsoft servers pose as an alternative applications platform and has acted to exclude those products from full interoperability with the desktop and to advantage its own server products. It is able to do that because it controls the means by which servers may interoperate with the functions and features of the Windows desktop. In order to succeed in establishing non-Microsoft servers as an effective alternative application platform, both consumers and application developers have to be convinced that such servers can overcome the interoperability barriers that Microsoft has erected and have become viable alternatives to Microsoft's own servers, which of course fully interoperate with the desktop.

The proposed decree allows Microsoft to continue to exploit dependencies between its desktop applications or its desktop Middleware and its servers or handheld devices to exclude server and handheld competition. The New Order Requires Less Disclosure Than the Original Order The interim conduct order imposed by Judge Jackson (see Final Judgment Section 3(b) (iii)) required Microsoft to disclose all APIs, Communications Interfaces and Technical Information (i.e., any and all possible technical dependencies) between (a) software installed on any device (including servers and handhelds) and (b) any Microsoft Operating System or Middleware installed on a PC.

But the Proposed Final Judgment discloses less information (no server APIs and no Technical Information) between fewer platforms (no client OS-to-server application disclosure; no unbundled client Middleware-to-server disclosure; no client OS-to-handheld disclosure; and no client Middleware-to-handheld disclosure; with no access to source code, and no provision for timely or updated disclosures.

Consequently, unlike old 3(b)(iii), the PFJ (Section 3(E)) permits Microsoft to push functionality from the OS to the application layer in order to avoid disclosure. The Failure to Define "Interoperate" Is A Huge Mistake Neither section 3(E) nor any other provision of the proposal defines the meaning of "interoperate." The failure to define "interoperate" is tantamount to the Justice Department's prior failure to define "integrate" in the 1995 consent decree, and will form the basis for unending and bitter future disputes over the scope of Microsoft's disclosure obligation.

"Communications Protocol" is Defined Too Narrowly and Too Ambiguous The definition of "Communications Protocol," which determines the scope of server information to be disclosed by Microsoft, is highly ambiguous, and potentially very narrow in scope:

It is limited to Windows Server Operating System, and thus is unclear whether it

includes Internet Information Server (Microsoft's Web Server) or Windows Media Server, both of which are shipped with Windows 2000 Server.

It is unclear whether "rules for information exchange" that "govern the format, semantics, timing sequencing, and error control of messages exchanged over a network" means the rules for transmitting information packets over a network, or the rules for formatting and interpreting information within such packets.

It is unclear what the last sentence of the definition of Communication Protocol means when it excludes from the information to be disclosed "protocols to remotely administer Windows 2000 Server and its successors."

Even in its broadest possible meaning, Communications Protocols is insufficiently broad or comprehensive to require disclosure of the information needed to permit interoperability between non-Microsoft servers and the full features and functions of Windows desktops. For example, no conceivable interpretation of Communications Protocol would appear to require disclosure of Microsoft's COM+. 7th Definition of "Windows Operating System Product" Gives Microsoft the Ability to Avoid Disclosure.

The scope of Microsoft's disclosure obligation is determined in large part by the meaning of "Windows Operating System Product." The definition of Windows Operating System Product leaves Microsoft free to determine in "its sole discretion" what software code comprises a "Windows Operating System Product." In other words, Microsoft's disclosure obligation is subject entirely to its discretion.

The Room for Dispute Means No Meaningful Disclosure is Likely to Occur Much Before the Judgment Expires: The ambiguities and uncertainties in the scope and meaning of section 3(E) and the definitions on which it depends means that a protracted battle will inevitably be required to obtain Microsoft's full compliance with its disclosure obligations. The 9 month delay in Microsoft's obligation to begin disclosure means that a significant portion of the 5 year remedial term will have expired, and that one product generation at least will have passed, before any disclosure is made. Combined with the fact that there is no explicit provision for additional disclosures for upgraded or successor products, and no requirement for timely disclosure, means that there is not likely to be more than one disclosure for one product generation only.

Microsoft's ability to exploit ambiguity, and the discretionary powers given to the company, the defendant here, must be eliminated. The document simply fails the test of clarity and specificity needed to be a meaningful contract between the United States, the state plaintiffs, and Microsoft.

Section 3(J)'s Carve Out Eliminates The Most Important Disclosures What little section 3(E) provides, section 3(J) takes away by permitting Microsoft to refuse to disclose the very protocols and technical dependencies it is currently using to prevent non-Microsoft servers from interoperating with Microsoft desktops and servers.

G. Anti-Competitive Agreements

Joint Development Agreements Can Subvert Protections of Settlement The protection against anti-competitive agreements is substantially undermined by the exception that allows Microsoft to launch “joint development or joint services arrangements” with PC companies and others. Under this provision, Microsoft can “invite” PC companies, ISVs, and other industry players to enter into “joint development” agreements, and then resort to an array of exclusionary practices. For example, Microsoft invites PC company X to form a “joint development” project to create “Windows for X,” a “new product” to be installed on the PC company’s PCs. So long as Microsoft’s activities are cloaked under this rubric, it is exempt from the ban on requiring the PC company to ship a fixed percentage of its units loaded with Microsoft’s applications, and other protections designed to promote competition.

1. Desktop Customization

Add/Remove is For Icons Only, Not the Middleware Itself The add/remove provisions in the agreement only allow for removal of end user access to Microsoft middleware, not the middleware itself. This position is not consistent with the language in the Court of Appeals opinion on commingling or the “add/remove” issue. For example, a PC company or a consumer might choose to eliminate Microsoft’s Internet Explorer and replace it with Netscape’s Navigator as the default. Under this provision, Microsoft’s Internet Explorer—not Netscape’s Navigator—is still used in the MyDocuments, MyMusic, MyPictures and Windows Explorer folders.

More substantially, if MSFT’s middleware remains on PCs (even with the end user access masked), then applications developers will continue to write applications that run on that middleware—reinforcing the applications barrier to entry that was at the heart of this case. Allowing MSFT to forbid the PC companies from removing MSFT middleware, and allowing MSFT to configure Windows to make it impossible for end users to do the same, allows Microsoft to reinforce the applications barrier to entry, irremediably.

As we have seen with the implementation of this approach (i.e., icon removal only) with regard to Internet Explorer in Windows XP, MSFT can use the presentation of this option in the utility to make it less desirable to end users. Moreover, limiting the required “add/remove” provision to icons only is actually a step backward from the current state of affairs in Windows XP, where code is removable for several pieces of Microsoft middleware. Thus, the DoJ actually codifies the most limiting of consumer alternatives—merely removing an icon. Why Are Non-MSFT Icons Subject to Add/Remove ?

The agreement gives Microsoft an added benefit: it can demand that PC companies include icons for non-MSFT middleware in the add/remove utility. Why this should be required, in the absence of any finding that assuring the permanence of non-MSFT middleware on the desktop is anti-competitive, is bizarre. This essentially treats

the victims of Microsoft’s anti-competitive behavior as if they were equally guilty of wrongdoing.

Twelve Months To Implement is Too Long

Most of the provisions in this section do not take effect for a full 12-month period—20 percent of the total length of the PFJ. Given Microsoft’s vast engineering resources; an ability to instantly update its products via on-line downloads; and the just-in-time manufacturing of the PC companies, there is no justification for this lengthy phase-in. Tellingly, when Microsoft made modest concessions in response to the Court of Appeals decision on July 11th, it implemented these changes within three weeks (when a new beta version of Win XP was released). Consumers should not have to wait another year for the choices they deserved to be offered years and years ago.

Microsoft Can Embed Middleware, And Evade Restrictions

End users and PC companies are allowed to substitute the launch of a non-Microsoft Middleware product for the launch of Microsoft middleware only where that Microsoft middleware would be launched in a separate Top-Level Window and display a complete end user interface or a trademark. This, in essence, allows Microsoft to determine which middleware components will or will not be subject to effective competition. By embedding their middleware components in other middleware (and thereby not displaying it in a “Top Level Window” with all user interface elements), or by not branding the middleware with a trademark, Microsoft can essentially stop rivals from launching their products in lieu of the Microsoft products.

Harder for Consumers to Choose Non-Microsoft Products than Microsoft Products In the same provision (III.H.2.), Microsoft may require an end user to confirm his/her choice of a non-Microsoft product, but there is no similar “double consent” requirement for Microsoft Middleware. There is no reason why it should be harder for users to select non-Microsoft products than Microsoft products.

Microsoft Can “Sweep” the Desktop, Eliminate Rival Icons

Additionally, the PC company flexibility provisions are substantially undermined by a provision that allows Microsoft to exploit its “desktop sweeper” to eliminate PC company installed icons by asking an end user if he/she wants the PC company-installed configuration wiped out after 14 days. Thus, the PC company flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the PC company’s installations. The effect of this provision is to severely devalue the ability of PC companies to offer premier desktop space to ISVs—and to undermine the ability of PC companies to differentiate their products and provide consumers with real choices. Here is an example of what a prompt might look like (which would have the effect of setting all of the choices and defaults previously picked by PC companies and consumers back to Microsoft’s presets):

Two weeks have passed since you bought your PC! Click on the Icon if you want to enhance your PC with better more robust multimedia capabilities from Microsoft.

Desktop “MFN” Requirements

Finally, nothing in the decree forbids Microsoft from requiring—especially where non-middleware is concerned—so-called MFN agreements from the PC companies. These agreements tax PC company efforts to promote Microsoft rivals by requiring that equal promotion or placement be given to Microsoft products, often without compensation.

I. Licensing Provisions

Licenses Put in Hands of Those Who May Not Be Able to Use Them The PC company licensing provision is limited in its effectiveness because the PC companies are prevented from “assigning, transferring, or sublicensing” their rights. This may severely limit their ability to partner with software companies to develop innovative software packages to be pre-installed on PCs. This provision is especially harmful when contrasted with the broad partnering opportunities afforded to Microsoft under III.G. In addition, the PC company’s willingness to use these provisions—even if they have the financial and technical wherewithal to do so—may be limited by the weakness of the retaliation provisions discussed above.

Reciprocal License? This simply can’t be true.

The agreement requires ISVs, PC companies and other licensees to license back to Microsoft any intellectual property they develop in the course of exercising their rights under the settlement. But that simply rewards Microsoft for having created the circumstances (i.e., having acted illegally) that necessitated the settlement in the first place. Microsoft should not be able to obtain the intellectual property rights of others simply because those law abiding entities have been required to work with this law breaker.

In addition, this provision may inadvertently work as a “poison pill” to discourage ISVs, et al., from taking advantage of the licensing rights ostensibly provided them in III.I. The risk that an ISV would have to license its rights to Microsoft will be a substantial deterrent for that ISV from exercising its rights under III.I.

J. “Security and Anti-Piracy” Exception to API Disclosure

The Settlement Exempts The Software and Services That Are the Future of Computing One of the most seemingly innocuous provisions in the agreement—that is in fact, one of the biggest loopholes—is the provision that allows MSFT to withhold from API, documentation or communication protocol disclosure any information that would “compromise the security of digital rights management, encryption or authentication systems.” The fact is that for programs to interoperate you must have all the information necessary. A provision that allows Microsoft to withhold certain information—or guarantees litigation over what information is exempted ensures that no program will ever be truly interoperable.

This provision raises several critical concerns: Digital Rights Management Exception "Swallows" Media Player Rule Since the most prevalent use of media players in the years ahead will be in playing content that is protected by digital rights management (DRM) (i.e., copyrighted content licensed to users on a "pay-for-play" basis), allowing MSFT to render its DRM solution non-interoperable with other DRM solutions essentially means that non-Microsoft media players will be virtually useless when loaded on Windows computers.

Authentication Exception Allows Microsoft to Control Internet Gateways, Server-Based Services.

Most experts agree that the future of computing lies with server-based applications that consumers will access from a variety of devices. Indeed, Microsoft's ".Net" and ".Net My Services" (formerly known as Hailstorm) are evidence that Microsoft certainly holds this belief. These services, when linked with MSFT's "Passport," are Microsoft's self-declared effort to migrate its franchise from the desktop to the Internet:

By exempting authentication APIs and protocols from the settlement's disclosure requirement, the settlement exempts the most important applications and services that will drive the computer industry over the next few years. If Microsoft can wall off Passport, .Net, and .Net My Services (Hailstorm) with impunity—and link these internet/server-based applications and services to their desktop monopoly—then Microsoft will be in a commanding position to dominate the future of computing.

PFJ SECTION IV. COMPLIANCE AND ENFORCEMENT

A. Enforcement Authority

Enforcement Authority is Too Difficult to Employ Clearly, what's missing from the agreement is a quick, meaningful, and empowered mechanism for preventing and rectifying Microsoft's future violations of the agreement. Thus, while the provision allowing Microsoft to cure any violations of III C, D, E, and H before an enforcement action may be brought is not itself objectionable, it is but one of a number of provisions that make enforcing the agreement cumbersome, expensive, and time consuming.

B. Technical Committee

Microsoft gets half the votes.

In setting up the Technical Committee, Microsoft gets to appoint one member, the Department of Justice gets to appoint one member, and Microsoft and the Department jointly appoint the third. This formulation guarantees that at least Microsoft, the defendant, will approve half of the Technical Committee's members. Technical Committee's Investigation Allowed Only Limited Use The work of the Technical Committee cannot "be admitted in any enforcement proceeding before the Court for any purpose," and the members of the TC are forbidden to appear. Thus, under the terms of the decree, the substantial time, effort, and expense that can go into a TC process may need to be duplicated in an enforcement

action—adding to the complexity and expense that process will pose for victims of Microsoft violations.

C. Voluntary Dispute Resolution

Source Code Access is Not Enough.

While it is helpful that the Technical Committee will have access to MSFT's source code, and can resolve disputes involving that issue, the Technical Committee is otherwise powerless to compel Microsoft's compliance with the agreement in any other respect. The prospects that Microsoft will accept the decisions of the TC in a voluntary dispute resolution process are near zero. And the entire mechanism seems designed to drag disputes on indefinitely: no time limits or time lines are specified for dispute resolution.

Thus, as noted above, there must be some compulsory means of dispute resolution, short of renewed litigation in the District Court. As it stands now, a party injured by MSFT's violation of the decree can:

- Complain to the Technical Committee, which will then conduct an investigation;
- Once the investigation is complete, the TC will presumably issue some decision; while the investigation is ongoing, the TC is supposed to consult with MSFT's Compliance Officer, for an indefinite period;
- If the TC concludes that MSFT violated the agreement, and MSFT does not agree to change its behavior or rectify the wrong, then the TC must decide whether to recommend the matter to US DOJ for further action;
- Once recommended, the U.S. DOJ—after some review period—y decide to take action, and apply to the court for a remedy, or it may not;
- And once the US DOJ applies for action, the process in court to obtain relief or remedy may extend for an indefinite period.

This is obviously a lengthy and ineffective process for insuring that MSFT complies with its obligations under the decree. In an industry where time is of the essence, and where delays can be fatal, the delays built in that allow Microsoft to drag its feet are wholly unacceptable.

PFJ SECTION V. TERMINATION

A. Five Year Limit

Five Year Coverage Is Inadequate

Given the scope of Microsoft's violation, the time period required to restore effective competition, and the pattern of willful lawbreaking on Microsoft's part, a five-year consent decree is woefully inadequate.

B. Two Year Extension

Penalty For Knowing Violations is Too Lenient

Amazingly, the agreement provides that no matter how many knowing and willful violations that Microsoft engages in, the restrictions found in the settlement may be extended for a single two-year period only. Thus, if Microsoft is adjudged to have engaged in such a pattern of violations, it essentially has a "free reign" to repeat those violations with impunity. Moreover, even for a single adjudged instance of knowing and intentional violation, a mere two-year extension is inadequate.

PFJ SECTION VI. DEFINITIONS

A. APIs

API Definition Too Narrow
This is discussed above.

B. Communications Protocol

Missing Definition, Inclusion of "Technical Information:"

While the definition of communication protocol is adequate, the decree is missing a definition of "technical information," and inclusion of that material in the mandatory disclosures. This definition and protection were provided in the interim remedies entered by the District Court.

K. Microsoft Middleware Product

Definition Exempts Too Much Middleware
Much of the decree is based on this definition—the PC Company's flexibility turns on what is included or excluded from this category of application. And yet the definition is fatally flawed.

- First, among existing products, only the five listed items are "middleware." That means that highly similar items, such as MSN, MSN Messenger, MSN Explorer, MSFT RunTime (the replacement for the MSFT JVM), Passport, Outlook, and Office are ALL excluded from the definition of middleware. Why Windows Messenger should be covered, but MSN Messenger should be exempt; or why Internet Explorer should be covered, but MSN Explorer should be exempt, is a mystery.

- Any efforts by PC companies to remove these Microsoft applications may be met with retaliation; end users cannot remove these applications (or even their icons). This is a step backward from the status quo (even in Windows XP); it is a gaping hole.

- Second, the generic middleware definition, which applies only to new products, and therefore does not capture any product now in existence, allows MSFT to define which products are included or not, by virtue of MSFT's trademark and branding choices. Thus, so long as MSFT buries these products inside other applications, they are not independently middleware.

- Third, as suggested in the points above, the definition misses the future platform challenges to Microsoft's Windows monopoly: web-based services. These services should be specifically defined, and included in the class of protected middleware.

N. Non-Microsoft Middleware Product

Only Developers With REALLY Big Garages Need Apply

The competitive offerings protected by the decree are narrowly limited to offerings that fall within the definition of "Non-Microsoft Middleware Products." Again, as noted above, the guarantees of PC company flexibility, promotion, and end use choice apply only to these specified products, not to an,,, other software applications.

And yet, sadly, this definition narrowly extends this protection only to applications "of which at least one million copies were distributed in the United States within the previous year." Thus, an innovator in his garage, creating a new form of middleware, to revolutionize the computer industry, has

no protection from MSFT's rapacious ways until he can achieve the distribution of 1 million copies of his software. So much for the Silicon Valley myth

Also, as noted above, "web based services" are not captured in this definition, notwithstanding their importance to future competition to the Windows OS.

R. Timely Manner

Netscape, All Over Again

Microsoft's obligation to disclose APIs and other materials needed to make applications interoperable with Windows in a "timely manner" is keyed off the definition of that term in Section R. But, Microsoft retains complete control over this timeline because the definition provides that Microsoft is under no obligation to engage in these disclosures until it distributes a version of the Windows OS to 150,000 beta testers. Thus, so long as MSFT restricts its beta testing program to 149,999 individuals until very late in the development process, it can effectively eviscerate the disclosure requirements. More troubling, it appears that Microsoft must have misled the Department of Justice.

Our review of the available documentation shows, for example, that Microsoft had no more than 20,000 beta testers⁴ for Windows XP (at least until very late in the release cycle); thus, had this provision been in place during the Windows XP release cycle, Microsoft would have been under no obligation to release APIs until just on the eve of product shipping.

Note that the number of "beta testers" will be much smaller than the number of "beta copies" of a product that is being prepared for release.

Slow disclosure of APIs is precisely how MSFT defeated Netscape's timely interoperability with Windows 95. Thus, in this way, not only is the decree inadequate to prevent future wrongdoing, it does not even redress proven illegal acts in the past. U. Windows Operating System Product—The rule which gives away the rest of the settlement.

The entire settlement can really be defined by its final clause, definition U. of the Windows Operating System Product. This provision gives Microsoft the right to define the Windows Operating System Product in the following way: "The software code that comprises a Windows Operating System Product shall be determined by Microsoft in its sole discretion." This definition eviscerates most of the prior provisions of the PFJ (or at a minimum guarantees continued litigation of the meaning of the PFJ) will be rendered meaningless.

More important, it gratuitously gives Microsoft a free reign to trample through the antitrust laws by continually redefining its monopoly product as it sees fit. It is hard to imagine how DoJ agreed to this provision.

Appendix One: Microsoft Announces Greater OEM Flexibility for Windows. Greater OEM Announces Greater OEM Flexibility for Windows Changes Will Not Affect Oct. 25 Launch Date of Windows XP REDMOND, Wash.—July 11, 2001—Microsoft Corp. announced Wednesday that it is offering computer manufacturers greater flexibility in configuring desktop versions of

the Microsoft?? Windows?? operating system in light of the recent ruling by the U.S. Court of Appeals for the District of Columbia. The company said the changes would not affect the Oct. 25 launch date of Windows XP.

"We recognize that some provisions in our existing Windows licenses have been ruled improper by the court, so we are providing computer manufacturers with greater flexibility and we are doing this immediately so that computer manufacturers can take advantage of them in planning for the upcoming release of Windows XP," said Steve Ballmer, CEO of Microsoft. "Windows XP represents a revolutionary step forward in personal computing, and computer manufacturers and consumers are looking forward to this product with great anticipation."

"This announcement does not take the place of settlement discussions with the government parties or any future steps in the legal process; however, we wanted to take immediate steps in light of the court's ruling. We are hopeful that we can work with the government parties on the issues that remain after the court's ruling," Bailmet added.

The appeals court ruled that certain provisions in Microsoft's licenses with PC manufacturers impaired the distribution of third-party Web browsers. Microsoft will now provide PC manufacturers with the following new flexibility:

- PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to the Internet Explorer components of the operating system. Microsoft will include Internet Explorer in the Add/Remove programs feature in Windows XP.

- PC manufacturers will have the option to remove the Start menu entries and icons that provide end users with access to Internet Explorer from previous versions of Windows, including Windows 98, Windows 2000 and Windows Me.

- PC manufacturers will retain the option of putting icons directly onto the Windows desktop. Based on extensive customer usability studies, Microsoft had designed Windows XP to ship with a clean desktop and improved Start menu, but PC manufacturers will now have the option of continuing to place icons on the Windows desktop if they want to.

- Consumers will be able to use the Add-Remove Programs feature in Windows XP to remove end-user access to the Internet Explorer components of the operating system. Microsoft has always made it easy for consumers to delete the icons for Internet Explorer, but will now offer consumers this additional option in Windows XP.

Although some of these changes will require development work and testing for Windows XP, Microsoft said Wednesday it can complete the work and will be able to meet the date for worldwide launch on Oct. 25.

Computer industry leaders today underscored the importance of the launch of Windows XP to the PC industry and consumers. "We're very excited about the possibilities that Windows XP delivers to our customers," said Ted Waitt, co-founder and CEO of Gateway. "With this new flexibility,

we're looking forward to taking Windows XP to the next level, tailoring technology to meet our customers' needs."

"Windows XP is an incredible step forward for end users and partners, unlocking the possibilities of the digital world," said Jim Allchin, group vice president for platforms at Microsoft. "Windows XP provides new opportunities for companies throughout the hardware and software industries, especially PC manufacturers that have worked closely with us to create the best experience for customers." "We're excited about Windows XP and the positive impact it will have on our industry. As a strong partner for more than 15 years, Compaq has worked closely with Microsoft throughout the extensive development of Windows XP," said like Larson, senior vice president and general manager of the Access Business Group at Compaq. "We are setting a new standard for simple, dependable and efficient computing."

"Dell is excited about delivering Windows XP later this year," said Jim Totton, vice president of software for the Consumer Products Group at Dell. "Dell is always interested in what's best for its customers, and the new levels of performance, ease of use and customization will combine for a great personal computing experience."

Windows XP will offer customers exciting new experiences for both home and work.

Whether someone is an aspiring photographer or a businessperson on the road, Windows XP enables them to embrace the new digital world. It brings together the power and reliability that businesses have asked for with the ease of use and flexibility that home consumers want.

Founded in 1975, Microsoft (Nasdaq "MSFT") is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software—any time, any place and on any device. Microsoft and Windows are either registered trademarks or trademarks of Microsoft Corp. in the United States and/or other countries.

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CITIZENS AGAINST GOVERNMENT WASTE NEW

For Immediate Release
Contact: Sean Rushton or Philippa Jeffery
December 11, 2001 (202) 467-5300
State AGs' Proposed Microsoft Case Remedies Are "Wishful Thinking"

Only eight presents for Hanukkah, and there is no Santa Claus.

Washington, DC—Citizens Against Government Waste (CAGW) today described the nine remaining state attorneys general in the Microsoft antitrust case as engaged in wishful thinking in their new proposed remedy package. The nine renegade states, California, Connecticut, District of Columbia, Florida, Iowa, Massachusetts, Minnesota,

Utah, and West Virginia are continuing the litigation against the software company despite a settlement reached by nine other states and the U.S. Department of Justice.

"Who are these public officials kidding?" CAGW President Tom Schatz said. "While the holidays are here, there is no one—besides these AGs—generous enough to give such a gift to Microsoft's competitors. The proposal is pure fantasy, going far beyond the district court remedy, which was substantially narrowed by a higher court."

"Taxpayers will continue to foot the bill for the time and effort in this case, having already forked over more than \$35 million at the state and local level. The remaining nine states and the District of Columbia have an average of \$ 1.3 million in budget deficits. California alone is in the red by \$9.5 billion, West Virginia is at \$3 million, and Minnesota has ordered 10 percent budget cuts. Citizens are justifiably angered in these troubled times by the continued misuse of their tax dollars on this litigation," Schatz said.

"The details of the proposed remedy read like a competitor's dream come true. The nearly two-dozen provisions are three times as generous as the eight nights of Hanukkah," Schatz said. The states propose a 10-year remedy, twice as long as the one agreed to by the nine other states, DOJ, and Microsoft. During that time, every version of Windows would have to include Java, which is manufactured by Sun Microsystems. Microsoft's intellectual property would be available—essentially for free—to any competitor. A Special Master would have extraordinary powers to decide whether Microsoft is violating the agreement, and anyone can complain anonymously.

"Pursuit of this matter is particularly wasteful since the same judge that would approve the settlement between DOJ and Microsoft is presiding over the state litigation. If the AGs are really in the holiday spirit, they will stop misusing tax dollars on the Microsoft case and instead spend more time and effort protecting their citizens from terrorism," Schatz concluded.

CAGW is the nation's largest taxpayer advocacy group with over one million members and supporters nationwide. It is a nonpartisan, nonprofit organization dedicated to eliminating waste, fraud, mismanagement and abuse in government.

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COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275
November 29, 2001

The Honorable Charles A. James
Assistant Attorney General
Antitrust Division
United States Department of Justice
901 Pennsylvania Avenue, NW
Washington, DC 20530

Re: United States v. Microsoft Co/p, Civil
Action No. 98-1232 (CKK)

Dear Assistant Attorney General James:

As you know, the Senate Judiciary Committee has a long-standing interest in the policy implications of the government's antitrust case in *United States v. Microsoft*. During my tenure as chairman, the Committee held a series of investigative hearings examining allegations of antitrust violations by Microsoft and the ability of existing law to address anti-competitive commercial conduct effectively and in a timely fashion. Many of the Committee's findings were later manifested in the decisions by the District Court and the Court of Appeals for the District of Columbia Circuit.

The resolution of this case has significance not only for the parties to the litigation, but also for the future application and enforcement of our nation's antitrust laws in the software industry. Given the Committee's continued interest in these policy questions, it would be extremely helpful for me and other members of the Committee to have a better understanding of the various legal, regulatory and practical considerations relating to the proposed settlement.

I have reviewed the Proposed Final Judgment ("PFJ") submitted by the Department of Justice and several of the state plaintiffs, as well as the Competitive Impact Statement ("CIS") filed by the Department on November 15, 2001. At the outset, I should note that the CIS provides information that further explains the implications of the proposed settlement and appears to satisfy your statutory obligation. Even so, I have a number of specific questions that I believe are critical to analyzing and understanding the PFJ. These questions are not intended to suggest a predisposition either in support of or in opposition to the settlement, and any interpretation otherwise would signal a misunderstanding of my interest in this matter. Rather, the questions are intended to elicit important information that I believe is necessary for forming an independent, objective, and informed analysis of the PFJ. Such objective analysis is essential in view of the importance of this case to Microsoft and its competitors, to innovation in the high-technology industry, to the economy, and to consumers.

1. An earlier decision by the Court of Appeals, *United States v. Microsoft Corp.*, 147 F.3d 935 (DC Cir. 1998) ("*Microsoft II*"), relating to the interpretation of an earlier consent decree with Microsoft, has been interpreted by some as expressing the view that judges should not be involved in software design, and that the government simply has no business telling Microsoft or

any other company what it can include in any of its products. In its most recent decision, however, the Court of Appeals said that to the extent that the decision in *Microsoft II* completely disclaimed judicial capacity to evaluate high-tech product design, it cannot be said to conform to prevailing antitrust doctrine.

See *United States v. Microsoft Corp.*, 253 F.3d 34 (DC Cir. 2001) ("*Microsoft III*"). Is the law clear that the Department does have a responsibility to assess the competitive implications of software design, in bringing antitrust enforcement actions? And, if so, does the Department have the necessary technical expertise and resources to perform such an evaluation?

2. To foster competition in "middleware" the PFJ requires disclosure of APIs and similar information, but it then limits this provision only to those instances where disclosure would be for "the sole purpose of interoperating with a Windows Operating System Product." Except for the limitation, this provision is almost exactly like a comparable provision in Judge Jackson's interim consent decree. Why did the Department decide to add this limitation to the PFJ, and what effect will the inclusion of the limitation have on restoring competition? Please explain the competitive significance of web-based services, and whether the PFJ guarantees interoperability with the servers that operate those web-based services?

3. The Department has concluded that the PFJ is in the "public interest," as required by the Tunney Act. Are you aware of any other case where a Tunney Act "public interest" determination has occurred with respect to a settlement where the underlying liability on the merits already has been affirmed by the Court of Appeals? To what extent should the scope of the District Court's deference to the Antitrust Division under the Tunney Act be affected by a Court of Appeals' prior affirmation of Sherman Act liability?

4. The Court of Appeals remanded the remedy issue because, among other reasons, the District Court failed to demonstrate how divestiture relief was designed to "unfetter [the] market from anticompetitive conduct, . . . to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future.'" *Microsoft III*, 253 F.3d at 103 (quoting *Ford Motor Co. v. United States*, 405 U.S. 562, 577 (1972), *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 250 (1968)). Please describe how the PFJ meets this standard dictated by the appellate court. (a) How does the PFJ "terminate the monopoly" Microsoft was found by the Appellate Court to have unlawfully maintained over PC operating system software? (b) How does the PFJ "deny to Microsoft the fruits of its Section 2 violation?" and (c) How does the PFJ "ensure that there remain no practices likely to result in monopolization in the future?"

5. Are there findings by the appellate court against Microsoft that are not addressed by the PFJ? If so, what were the reasons why the Department chose not to address these findings?

6. The Court of Appeals held that it was illegal for Microsoft to bind products together

with Windows by “commingling code” because this practice helped Microsoft unlawfully maintain its desktop operating system monopoly. The Court concluded that code commingling has an “anticompetitive effect” by deterring OEMs from pre-installing rival software, “thereby reducing the rivals’ usage share and, hence, developers’ interest in rivals’ APIs as an alternative to the API set exposed by Microsoft’s operating system.” Microsoft III, 153 F.3d at 66. How does the PFJ prevent Microsoft from future unlawful commingling of non-Windows code with Windows?

7. You have said that Microsoft “won the right to sell integrated products,” and that “the tying claim was eliminated by the appeals court.” (Business Week, November 19, 2001, p. 116). Other observers, however, argue that the Court of Appeals simply vacated the per se findings of a tying law violation and remanded that issue for consideration under a “rule of reason” standard? Why did the Department conclude that the tying claim was “eliminated” and not simply remanded to be retried under a different standard? What are the circumstances, if any, under which the court or the Department could find it impermissible for Microsoft to “integrate” a product with its Windows operating system?

8. The CIS acknowledges that the “users rarely switched from whatever browsing software was placed most readily at their disposal.” It has been suggested that the most effective way to restore competition and to prevent future misconduct would be to require Microsoft to sell a product that is simply an operating system without all of the various applications that are now incorporated into Windows. Without such a requirement, the argument goes, consumers would be forced to procure two products if they choose to use a non-Microsoft version of a product that has been included in the operating system—Microsoft’s version and the competitor’s version. If Microsoft middleware is preinstalled with Windows, how do you think the adoption rate by users of non-Microsoft middleware will be affected? Did the Department consider including in the PFJ a requirement that Microsoft sell a version of Windows that is solely an operating system without other applications bundled with it?

9. Some observers claim the Court of Appeals found that Microsoft’s technological tying, particularly its “commingling of code,” was an illegal act of monopolization under Section 2 of the Sherman Act, but that there was insufficient evidence to determine that the same conduct violated Section 1. Do you agree with this? Does the PFJ provide a remedy for such misconduct? In your analysis, does the failure to find that the conduct violated Section 1 obviate the need to provide a remedy for the violation the court found under Section 2?

10. Some Wall Street analysts have opined that the PFJ imposes no obligation on Microsoft to change its business practices or redesign its products. Instead, these analysts have concluded, the PFJ seeks to restore competition by permitting OEMs to add products to Microsoft’s desktop. Is this view of the PFJ accurate? Is it the Department’s

position that OEMs are in the best economic position to restore competition in personal computing? If so, what is the basis for that position? Are there other entities that might be in a position to help restore competition?

11. A significant portion of the Microsoft III opinion was devoted to Microsoft’s conduct vis-a-vis Java technology. The Court found Microsoft unlawfully used distribution agreements to forestall competition with middleware manufacturers. See, e.g., Microsoft III, 253 F.3d at 74–78. The court found these agreements to be anticompetitive because they “foreclosed a substantial portion of the field for... distribution and because, in so doing, they protected Microsoft’s monopoly from a middleware threat.” Id. at 76. Does the PFJ address such practices?

12. The Supreme Court has said that in an antitrust remedy, “it is not necessary that all of the untraveled roads to that [unlawful] end be left open and that only the worn one be closed.” *International Salt Co. v. United States*, 332 U.S. 392, 401 (1947). The Court also has made clear that injunctive relief which simply “forbid[s] a repetition of the illegal conduct” is not sufficient under Section 2, because defendants “could retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which they had inflicted on competitors.” *Schine Chain Theatres, Inc. v. United States*, 334 U.S. 110, 128 (1948). Are the standards enunciated by the Court in *International Salt* and *Schine Chain Theatres* applicable in the Microsoft case? If so, would you identify provisions in the PFJ that satisfy these standards?

13. The Supreme Court also has held that a Section 2 monopolization remedy “must break up or render impotent the monopoly power found to be in violation of the Act.” *United States v. Grinnell Corp.*, 384 U.S. 563, 577 (1966). Does the PFJ “render impotent” Microsoft’s Windows monopoly and, if so, how?

14. There has been considerable discussion about Microsoft’s Windows XP product, with some critics arguing that Microsoft is repeating the same technical binding, bundling and monopoly maintenance tactics found by the court to be unlawful when used in the past against Microsoft’s competitors. If true, this allegation would be significant, given the appellate court’s instruction “that there remain no practices likely to result in monopolization in the future,” Microsoft III, 253 F.3d at 103 (quoting *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 250 (1968)). Some critics have also charged that Microsoft’s broad .NET strategy is an effort to build upon the fruits of Microsoft’s past unlawful conduct and remake the Internet as a Microsoft-proprietary Internet. Does the PFJ apply to Windows XP or to Microsoft’s .NET strategy? If not, why has the Department decided not to apply the settlement to these products? Can competition in the operating system be restored without addressing these products?

15. Many of the provisions of the PFJ appear to assume that OEMs will act to aggregate operating system software and assume the role of desktop design and software packaging in the PC distribution

chain. According to many observers, however, there simply is no financial incentive for OEMs to do anything but accept the full Microsoft software package. What is the Department’s position on this issue? Was any consideration given to reports that OEMs did not take advantage of an offer by Microsoft this past summer to replace icons in the Windows XP desktop?

16. The Court of Appeals affirmed that Microsoft’s conduct with respect to Java, in which the Court found it to engage in a “campaign to deceive [Java] developers” and “polluted” the Java standard in order to defeat competition to its operating system monopoly violated Section 2 of the Sherman Act. The Court held “Microsoft’s conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive. Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this conduct is exclusionary, in violation of Section 2 of the Sherman Act.” Microsoft III, slip op. p. 101. As you know, the lower court decree included a provision designed to prevent deliberate sabotaging of competing products by Microsoft. Does the PFJ restrict Microsoft’s ability to modify, alter, or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of competitor platform, middleware or applications software?

17. The Court of Appeals found that Microsoft violated Section 2 of the Sherman Act by entering into an exclusive contract with Apple that required Apple to install Internet Explorer as the Macintosh browser. Microsoft III, 252 F.3d at 72–74. Many observers accuse Microsoft of having forced Apple to enter into the contract by threatening to withhold the porting of Microsoft Office to the Macintosh operating system. Does the PFJ prohibit Microsoft from threatening to withhold development of Microsoft Office with respect to other platforms, such as handheld devices, set-top boxes, and phones? If no, why did the Department choose not to address this concern in the PFJ?

18. You have been quoted as saying that various software and computer services companies are in the process of purchasing space on the desktop from Microsoft. (Business Week, November 19, 2001, p. 116). In the Department’s view, is the space on the desktop on computers manufactured by the OEMs owned by Microsoft or should that space be the property of the computer manufacturers?

19. The CIS suggests the Department has embraced the goal of encouraging competitive development of “middleware” in order that such middleware can become the type of platform software that could challenge the operating system monopoly. The settlement requires Microsoft to allow OEMs to remove consumer “access” to the company’s “middleware.” It has been observed, however, that since the code for Microsoft’s “middleware” is commingled with Windows, OEMs are only allowed to

remove the icon for a middleware application. The CIS seems to acknowledge that Microsoft understood that software developers would only write to the APIs exposed by Navigator in numbers large enough to threaten the applications barrier to entry if they believe that Navigator would emerge as the standard software employed to browse the web. Can you explain why you believe third-party application developers would write applications to non-Microsoft APIs if the Microsoft middleware APIs as well as the Windows APIs will be present on over 95% of the personal computers sold?

20. Concerns have been raised about the consequences of several "provisos" that have been included in the PFJ. For example, Section III.H.3 prohibits Microsoft from denying consumers the choice of using competing applications, but a proviso to this language states that Microsoft can challenge a consumer's decision to choose an application other than its own after 14 days and encourage the consumer to switch back to the Microsoft product. What does the Department believe will be the impact of the messages that Microsoft will be able to send to consumers on their own computers? Are other companies permitted to send comparable messages to consumers who choose to utilize Microsoft products? Finally, why did the Department choose a period of 14 days as opposed to some other period of time?

21. Under Sections III.H and VI.N a competing middleware application receives protection under the PFJ, but this protection applies only if the competitor ships at least one million units over the course of a year. Why did the Department choose that particular number?

22. Did the Department give consideration to the argument that small innovators, who may be in the initial stages of product development and sales, might be in need of greater protection than a company capable of selling more than one million units?

23. Section 111.B of the PFJ prohibits Microsoft from engaging in discriminatory pricing of its desktop operating system with OEMs. Does the PFJ also prohibit use of this same kind of discriminatory pricing against server operating systems and other non-Windows software?

24. The interim decree proposed by Judge Jackson included a provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware software. Does the PFJ contain a comparable provision? If not, what was the Department's rationale for not including this prohibition in the proposed settlement?

25. Why did the Department choose not to present evidence to the District Court on current PC operating system market developments, including changes in the Internet browser market share since the trial began? Did the Department undertake an investigation of current market developments to determine the impact of the PFJ on the existing market realities? For example, was there an analysis of the impact of the proposed settlement on Microsoft's proposed future products and services?

26. The CIS suggests that the District Court's role under the Antitrust Procedures

and Penalties Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint. See CIS at p. 67. Yet the authorities cited for that proposition appear to be cases that were settled before trial. Some observers argue that in this case the District Court should review the settlement in relationship to the Court of Appeals ruling rather than to the violations alleged in the original complaint. Does the Department agree with that assessment?

27. Has the Department undertaken any studies to determine the effectiveness of its prior consent decree with Microsoft in restoring competition? How do you believe prior obstacles to enforcement of consent decrees with Microsoft are addressed in the PFJ?

28. Do you believe that current antitrust law is sufficient to guarantee not only competition but timely enforcement in areas such as the software industry?

29. What steps, if any, should be taken, legislatively or otherwise, to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry?

I appreciate your cooperation with this request. As I hope you agree, a better understanding of the Department's objectives and the scope of the remedy measures included in—as well as excluded from—the PFJ will serve the long-term interest we share in proper application of the antitrust laws to the emerging information economy.

I look forward to your response and to the opportunity to address these issues with you, Microsoft and other interested parties in the coming weeks.

Orrin G. Hatch
Ranking Republican Member
U.S. Department of Justice
Office of Legislative Affairs
Office of the Assistant Attorney General
Washington, DC 20530
December 11, 2001
Honorable Orrin Hatch
United State Senate
Washington, DC 20510

Dear Senator Hatch:
This is in response to our letter of November 29, requesting responses to questions regarding U.S.v. Microsoft. As you know, the Department has stipulated to entry of a proposed Final Judgment resolving all remaining claims in the case, and that settlement is undergoing Tunney Act review before the District Court. The Department believes the proposed Final Judgment is in the public interest and will be entered by the Court at the conclusion of the Tunney Act process.

Nevertheless, the Department must be mindful of the Court's prerogatives and the possibility, however remote, of future litigation regarding the merits of the case or the settlement itself. Accordingly, given the pendency of the case, the Department is constrained in the amount of detail it can offer in these responses. It would be inappropriate, for example, for the Department to speculate on issues it must take with regard to potentially contested issues or to speculate about future enforcement positions the Department might

take with regard to current or future conduct by specific firms. As a Senator who has been a strong supporter of effective antitrust enforcement, I am sure that you appreciate the reasons for such constraint.

At the outset, and prior to responding to your specific questions, please allow me to offer two general perspectives that provide context for the Department's responses.

First, U.S.v. Microsoft is and always has been a law enforcement initiative. It involves specific allegations investigated by the Department and litigated in the courts. The boundaries of the case are determined by the allegations of the Department's complaint and the manner in which those allegations have been resolved by the courts—in particular, the Court of Appeals. Within the context of this specific case, the Department has no legal mandate to act outside of these boundaries.

Second, there is a wide gulf between permissible relief under the antitrust laws and the manner in which Microsoft's competitors would prefer to see Microsoft constrained in future competition. As I know you appreciate, our goal as antitrust enforcers is to ensure that Microsoft competes fairly within the confines of the antitrust laws for the benefit of consumers, not to obtain specific competitive advantages for the benefit of Microsoft's competitors. With these perspectives in mind, and subject to the foregoing caveats, the Department is pleased to provide the following responses.

QUESTION

1. An earlier decision by the Court of Appeals, *United States v. Microsoft Corp.*, 147 F.3d 935 (DCCir. 1998) ("Microsoft II"), relating to the interpretation of an earlier consent decree with Microsoft, has been interpreted by some as expressing the view that judges should not be involved in software design, and that the government simply has no business telling Microsoft or any other company what it can include in any of its products. In its most recent decision, however, the Court of Appeals said that to the extent that the decision in *Microsoft* completely disclaimed judicial capacity to evaluate high-tech product design, it cannot be said to conform to prevailing antitrust doctrine. See *United States v. Microsoft Corp.*, 253 F.3d 34 (DC Cir. 2001) ("Microsoft III"). Is the law clear that the Department does have a responsibility to assess the competitive implications of software design, in bringing antitrust enforcement actions? And, if so, does the Department have the necessary technical expertise and resources to perform such an evaluation?

ANSWER

In exercising its responsibility to enforce the antitrust laws, the Department routinely confronts complex issues, including economic and technical issues regarding software design. The Department has both the resources and capability to address such issues, as they affect enforcement matters, through internal means and, where appropriate, the retention of outside experts.

QUESTION

2. To foster competition in "middleware" the PFJ requires disclosure of APIs and

similar information, but it then limits this provision only to those instances where disclosure would be for "the sole purpose of interoperating with a Windows Operating System Product." Except for the limitation, this provision is almost exactly like a comparable provision in Judge Jackson's interim consent decree. Why did the Department decide to add this limitation to the PFJ, and what effect will the inclusion of the limitation have on restoring competition? Please explain the competitive significance of web-based services, and whether the PFJ guarantees interoperability with the servers that operate those web-based services?

ANSWER

The insertion of "for the sole purpose of interoperating with a Windows Operating System Product" in Section III.D. of the proposed Final Judgment simply clarifies that the APIs must be used for the purpose intended under the settlement (and as intended in Judge Jackson's order)- ensuring that developers of competing middleware products will have full access to the same information that Microsoft middleware uses to interoperate with the Windows operating system. That is, the disclosure is not intended to permit misappropriation of Microsoft's intellectual property for other uses. The insertion of this clause will not change the provision's ability to restore competition in any way. The concept of "web-based" services is constantly evolving as companies find new ways to use the Internet. The ultimate competitive significance of such services remains to be determined.

The Department's case addressed the topic of web-based services only with respect to the middleware threat to the operating system. Section III.E. of the proposed Final Judgment ensures that software developers will have full access to, and be able to use, the communication protocols necessary for server operating system software located on a server computer to interoperate with the functionality embedded in the Windows operating system.

QUESTION

3. The Department has concluded that the PFJ is in the "public interest," as required by the Tunney Act. Are you aware of any other case where a Tunney Act "public interest" determination has occurred with respect to a settlement where the underlying liability on the merits already has been affirmed by the Court of Appeals? To what extent should the scope of the District Court's deference to the Antitrust Division under the Tunney Act be affected by a Court of Appeals' prior affirmation of Sherman Act liability?

ANSWER

The Department is not aware of a case where a court has made a Tunney Act "public interest" determination with respect to a settlement where the underlying liability on the merits already had been affirmed by the Court of Appeals. Beyond the Department's position set forth in its submissions to the Court, it would be inappropriate for the Department to comment on the appropriate scope of the Court's discretion because the Court's review of the

proposed Final Judgment is pending under the Tunney Act.

QUESTION

4. The Court of Appeals remanded the remedy issue because, among other reasons, the District Court failed to demonstrate how divestiture relief was designed to "unfetter [the] market from anticompetitive conduct,"... to "terminate the illegal monopoly, deny to the defendant the fruits of its statutory, violation, and ensure that there remain no practices likely to result in monopolization in the future" Microsoft III 253 F.3d at 103 (quoting *Ford Motor Co. v. United States*, 405 U.S. 562, 577 (1972), *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 250 (1968)). Please describe how the PFJ meets this standard dictated by the appellate court. (a) How does the PFJ "terminate the monopoly" Microsoft was found by the Appellate Court to have unlawfully maintained over PC operating system software? (b) How does the PFJ "deny to Microsoft the fruits of its Section 2 violation?" and (c) How does the PFJ "ensure that there remain no practices likely to result in monopolization in the future?"

ANSWER

In the two cases quoted above, the monopoly in question was obtained by unlawful means. It was never alleged in this case, however, that Microsoft unlawfully obtained its operating system monopoly. Further, as the Court of Appeals noted, "the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior." U.S.v. Microsoft, 253 F.3d 34, 107 (DC Cir. 2001). The Court of Appeals also went on to hold that: "[s]tructural relief, which is" designed to eliminate the monopoly altogether ... require[s] a clear indication of a significant causal connection between the conduct and creation or maintenance of the market power." Absent such causation, the antitrust defendant's unlawful behavior should be remedied by "an injunction against continuation of that conduct." Id. at 106 (quoting 3 AREEDA & HOVENKAMP, ANTITRUSTLAW [653b, at 91-92, and] 650a, at 67).

The injunctive relief in this case, with no allegation Microsoft unlawfully obtained its operating system monopoly, is designed to stop the unlawful conduct, prevent its recurrence and restore lost competition in the market. See Microsoft, 253 F.3d at 103 (quoting *Ford Motor Co. v. United States*, 405 U.S. 562, 577 (1972) and *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 250 (1968)).

The proposed Final Judgment stops the offending conduct by enjoining the unlawful actions that the District Court and the Court of Appeals sustained. The proposed Final Judgment enjoins exclusive and unlawful dealing, gives computer manufacturers and consumers extensive control of the desktop and initial boot sequence, ensures that developers can develop products that interoperate with the Windows operating system, and prohibits a broad range of retaliatory conduct. The proposed Final Judgment prevents the recurrence of the

conduct identified as unlawful by addressing the broad range of potential strategies Microsoft might deploy to impede the emergence of competing middleware products. The proposed Final Judgment also seeks to restore lost competition posed by the potential middleware threat to Microsoft's operating system monopoly by requiring Microsoft to, among other things: (i) disclose APIs that will give independent software developers the opportunity to match Microsoft's middleware functionality.;

(ii) allow computer manufacturers and users to replace Microsoft middleware with independently developed middleware; and (iii) create and preserve "default" settings that will ensure that Microsoft's middleware does not over-ride the selection of third-party middleware products.

QUESTION

5. Are there findings by the appellate court against Microsoft that are not addressed by the PFJ? If so, what were the reasons why the Department chose not to address these findings?

ANSWER

The proposed Final Judgment addresses each of the Court of Appeals' findings, and even goes beyond them.

QUESTION

6. The Court of Appeals held that it was illegal for Microsoft to bind products together with Windows by "commingling code" because this practice helped Microsoft unlawfully maintain its desktop operating system monopoly. The Court concluded that code commingling has an "anticompetitive effect" by deterring OEMs from pre-installing rival software, "thereby reducing the rivals' usage share and, hence, developers' interest in rivals" APIs as an alternative to the API set exposed by Microsoft's operating system." Microsoft III, 153 F.3d at 66. How does the PFJ prevent Microsoft from future unlawful commingling of non-Windows code with Windows?

ANSWER

The proposed Final Judgment addresses these issues by requiring Microsoft to redesign its operating system to include an effective add/remove function for all Microsoft middleware products and to permit competing middleware to take on a default status that will override middleware functions Microsoft has integrated into the operating system. The proposed Final Judgment does not contain an absolute prohibition on Microsoft commingling code within Windows, and the Department does not interpret the Court of Appeals decision as requiring such relief.

QUESTION

7. You have said that Microsoft "won the right to sell integrated products," and that "the tying claim was eliminated by the appeals court." (Business Week, November 19, 2001, p. 116). Other observers, however, argue that the Court of Appeals simply vacated the per se findings of a tying law violation and remanded that issue for consideration under a "rule of reason" standard? Why did the Department conclude that the tying claim was "eliminated" and

not simply remanded to be retried under a different standard? What are the circumstances, if any, under which the court or the Department could find it impermissible for Microsoft to "integrate" a product with its Windows operating system?

ANSWER

The Court of Appeals reversed the *per se* tying claim and remanded it to the lower court for adjudication under a more rigorous legal standard. The Court also held that if the Department pursued the tying claim on remand it would be precluded from arguing any theory of harm relying on a precise definition of browsers or barriers to entry, even though the government would have the burden of showing an anticompetitive effect in the browser market. The Court of Appeals also invited an extensive and complex analysis of pricing, noting that other operating system manufacturers included Web browsers in their operating systems, and requiring the plaintiffs to show that any anticompetitive effects outweighed the procompetitive effects. In light of the Court's decision and the desire to achieve prompt relief for consumers without protracted litigation and appeals, the Department and the state plaintiffs decided not to pursue the tying claim. Given the continuing pendency of this litigation and the possibility that these issues may arise in other contexts, it is not appropriate for the Department to speculate under what circumstances Microsoft's conduct would be impermissible.

QUESTION

8. The CIS acknowledges that the "users rarely switched from whatever browsing software was placed most readily at their disposal." It has been suggested that the most effective way to restore competition and to prevent future misconduct would be to require Microsoft to sell a product that is simply an operating system without all of the various applications that are now incorporated into Windows. Without such a requirement, the argument goes, consumers would be forced to procure two products if they choose to use a non-Microsoft version of a product that has been included in the operating system—Microsoft's version and the competitor's version. If Microsoft middleware is preinstalled with Windows, how do you think the adoption rate by users of non-Microsoft middleware will be affected? Did the Department consider including in the PFJ a requirement that Microsoft sell a version of Windows that is solely an operating system without other applications bundled with it?

ANSWER

The Department did consider, and ultimately, reject a remedy that would have required Microsoft to sell a version of its operating system that did not contain some or all of the applications that it typically includes with the Windows operating system. First, this relief would have been most appropriate to remedy the tying and attempted monopolization liability (which were not sustained by the Court of Appeals), rather than for monopoly maintenance. Second, the remedy would reduce consumer choice rather than increase it. The proposed

Final Judgment provides computer manufacturers the option of featuring, and end users the option of selecting, alternative middleware products, which they may choose to use or replace. Even if Microsoft middleware is preinstalled on the computer, computer manufacturers will have the ability to remove access to it and replace it with independently developed middleware. In this way, competition for consumer patronage of middleware products, unfettered by artificial restrictions by Microsoft, will determine adoption rates.

QUESTION

9. Some observers claim the Court of Appeals found that Microsoft's technological tying, particularly its "commingling of code," was an illegal act of monopolization under Section 2 of the Sherman Act, but that there was insufficient evidence to determine that the same conduct violated Section 1. Do you agree with this? Does the PFJ provide a remedy for such misconduct? In your analysis, does the failure to find that the conduct violated Section 1 obviate the need to provide a remedy for the violation the court found under Section 2?

ANSWER

The Court of Appeals observed some overlap between the tying claim and the code integration issues under the monopoly maintenance claim. However, as the Court of Appeals noted, the District Court concluded that tying and commingling are two different things—"[a]lthough the District Court also found that Microsoft commingled the operating system-only and browser-only routines in the same library files, it did not include this as a basis for tying liability despite plaintiffs' request that it do so." *U.S.v. Microsoft*, 253 F.3d 34, 85 (DC Cir. 2001). The Department believes that the proposed Final Judgment effectively addresses the integration issues of the monopoly maintenance claim by requiring Microsoft to redesign its operating system to include an effective add/remove function for all Microsoft middleware products and to permit competing middleware to be featured in its place, as well as take on a default status that will, if the consumer chooses, override middleware functions Microsoft has integrated into the operating system.

QUESTION

10. Some Wall Street analysts have opined that the PFJ imposes no obligation on Microsoft to change its business practices or redesign its products. Instead, these analysts have concluded, the PFJ seeks to restore competition by permitting OEMs to add products to Microsoft's desk-top. Is this view of the PFJ accurate? Is it the Department's position that OEMs are in the best economic position to restore competition in personal computing? If so, what is the basis for that position? Are there other entities that might be in a position to help restore competition?

ANSWER

The Department fundamentally disagrees with this characterization of the proposed Final Judgment.

The proposed Final Judgment will require Microsoft to fundamentally change the way in which it deals with computer

manufacturers, Internet access providers, software developers and others within the computer industry with regard to the manner in which it designs, sells, and shares information regarding its operating system. The proposed Final Judgment does not reflect a position by the Department that computer manufacturers are the only distribution outlet for software or that they are the only ones in a position to help restore competition. In fact, consumers increasingly obtain software in various distribution channels apart from computer manufacturers.

Rather, certain provisions in the proposed Final Judgment focus on computer manufacturers because the restrictions on computer manufacturers to distribute software was a primary focus of the case and the Court of Appeals concluded that computer manufacturers were a critical distribution channel for Windows, as well as for middleware and other software applications.

QUESTION

11. A significant portion of the Microsoft III opinion was devoted to Microsoft's conduct vis-a-vis Java technology. The Court found Microsoft unlawfully used distribution agreements to forestall competition with middleware manufacturers. See, e.g., *Microsoft III*, 253 F.3d at 74-78. The court found these agreements to be anticompetitive because the, "foreclosed a substantial portion of the field for... distribution and because, in so doing, they protected Microsoft's monopoly from a middleware threat" *Id.* at 76. Does the PFJ address these such practices?

ANSWER

The proposed Final Judgment addresses such conduct by prohibiting Microsoft from entering into agreements that require software developers and other industry participants to exclusively distribute, promote, use or support a Microsoft middleware or operating system product, and by prohibiting Microsoft from retaliating against software developers who support competing middleware products.

QUESTION

12. The Supreme Court has said that in an antitrust remedy, "it is not necessary that all of the untraveled roads to that [unlawful] end be left open and that only the worn one be closed." *International Salt Co. v. United States*, 332 U.S. 392, 401 (1947). The Court also has made clear that injunctive relief which simply "forbid[s] a repetition of the illegal conduct is not sufficient under Section 2, because defendants "could retain the full dividends of their monopolistic practices and profit from the unlawful restraints of trade which the³" had inflicted on competitors." *Schine Chain Theatres, Inc. v. United States*, 334 U.S. 110, 128 (1948). Are the standards enunciated by the Court in *International Salt* and *Schine Chain Theatres* applicable in the Microsoft case? If so, would you identify provisions in the PFJ that satisfy these standards?

ANSWER

The obligations imposed on Microsoft in the proposed Final Judgment go considerably beyond merely stopping, and preventing the

recurrence of, the specific acts found unlawful by the Court of Appeals. Specifically, the proposed Final Judgment goes further by: (i) applying a broad definition of middleware products, which goes well beyond the Web browser and Java technologies that were the focus of the Department's case, to include all of the technologies that have the potential to be middleware threats to Microsoft's operating system monopoly, including e-mail clients, media players, instant messaging software and future middleware developments;

(ii) requiring the disclosure or licensing of middleware interfaces and server communications protocols not previously disclosed to ensure that non-Microsoft middleware and server software can interoperate with Microsoft's operating system; (iii) ensuring that computer manufacturers and consumers have extensive control of the desktop and initial boot sequence; (iv) broadly banning certain exclusive dealing, retaliation and discrimination by Microsoft beyond the practices affirmed as anticompetitive by the Court of Appeals; (v) requiring Microsoft to license its operating system to key computer manufacturers on uniform terms; (vi) requiring Microsoft to license intellectual property to computer manufacturers and software developers necessary for them to exercise their rights under the proposed settlement; and (vii) implementing a panel of three independent, on-site, full-time experts to assist in enforcing the proposed Final Judgment.

QUESTION

13. The Supreme Court also has held that a Section 2 monopolization remedy "must break up or render impotent the monopoly power found to be in violation of the Act." *United States v. Grinnell Corp.*, 384 U.S. 563, 577 (1966). Does the PFJ "render impotent" Microsoft's Windows monopoly and, if so, how?

ANSWER

In the case against Microsoft there has never been any contention that Microsoft obtained its operating system monopoly through unlawful means. Instead, the allegation sustained by the Court of Appeals was that Microsoft engaged in specific unlawful acts, not a course of conduct, to maintain its monopoly in violation of Section 2. Because relief in a Section 2 case must have its foundation in the offending conduct, the Department's view was that the monopoly maintenance finding, as modified by the Court of Appeals, and without the "course-of-conduct" theory, did not sustain a broad-ranging remedy, such as a "break up" of Microsoft's operating system monopoly, that went beyond what was necessary to address Microsoft's unlawful responses to the middleware threat. Thus, the proposed Final Judgment does not seek such break-up relief.

QUESTION

14. There has been considerable discussion about Microsoft's Windows XP product, with some critics arguing that Microsoft is repeating the same technical binding, bundling and monopoly maintenance tactics found by the court to be unlawful when used

in the past against Microsoft's competitors. If true, this allegation would be significant, given the appellate court's instruction "that there remain no practices likely to result in monopolization in the future," *Microsoft II*, 253 F.3d at 103 (quoting *United States v. United Shore Mach. Corp.*, 391 U.S. 244, 250 (1968)). Some critics have also charged that Microsoft's broad .NET strategy is an effort to build upon the fruits of Microsoft's past unlawful conduct and remake the Internet as a Microsoft-proprietary Internet. Does the PFJ apply to Windows XP or to Microsoft's .NET strategy? If not, why has the Department decided not to apply the settlement to these products? Can competition in the operating system be restored without addressing these products?

ANSWER

With the monopoly maintenance claim as the only surviving basis for relief, the proposed Final Judgment must focus on middleware or middleware-type threats to the operating system, not Microsoft's participation in other markets in a way unrelated to the conduct by Microsoft found unlawful by the Court of Appeals. The proposed Final Judgment expressly applies to Windows XP and any successors during the term of the judgment (see definition of Windows Operating System Product). It also applies to a wide variety of current and future Microsoft middleware products. What has been labeled .NET is a relatively new, diverse initiative by Microsoft in the market. As parts of .NET come more fully to fruition, they will be evaluated under the proposed Final Judgment, as would any other software. For instance, parts of the .NET strategy are likely to be middleware, such as instant messaging clients. To the extent .NET software or conduct implicates the anticompetitive acts raised in the case, it would be addressed under the proposed Final Judgment or otherwise by the Department.

QUESTION

15. Many of the provisions of the PFJ appear to assume that OEMs will act to aggregate operating system software and assume the role of desktop design and software packaging in the PC distribution chain. According to many observers, however, there simply is no financial incentive for OEMs to do anything but accept the full Microsoft software package. What is the Department's position on this issue? Was any consideration given to reports that OEMs did not take advantage of an offer by Microsoft this past summer to replace icons in the Windows XP desktop?

ANSWER

During the trial, the Department showed, and the Court of Appeals found, that computer manufacturers are a key distribution channel for Windows, as well as for middleware and other software applications. Further, even before the proposed Final Judgment was executed, computer manufacturers were entering into agreements with non-Microsoft middleware suppliers to place their products on the Windows operating system. With the implementation of the proposed Final

Judgment, which provides computer manufacturers with greater freedom with respect to replacing Microsoft middleware products, computer manufacturers should have even greater incentives to do so. The powers extend well beyond the limited rights Microsoft afforded when Windows XP was introduced this past summer. The true test will occur as the uncertainty surrounding the case is removed by the proposed Final Judgment, when the proposed Final Judgment's anti-retaliation and anti-discrimination terms are in place, and when new middleware products emerge on the market.

QUESTION

16. The Court of Appeals affirmed that Microsoft's conduct with respect to Java, in which the Court found it to engage in a "campaign to deceive [Java] developers" and "polluted" the Java standard in order to defeat competition to its operating system monopoly violated Section 2 of the Sherman Act. The Court held "Microsoft's conduct related to its Java developer tools served to protect its monopoly of the operating system in a manner not attributable either to the superiority of the operating system or to the acumen of its makers, and therefore was anticompetitive. Unsurprisingly, Microsoft offers no procompetitive explanation for its campaign to deceive developers. Accordingly, we conclude this Conduct is exclusionary, in violation of Section 2 of the Sherman Act." *Microsoft III*, Slip Op. p. 101. As you "know, the lower court decree included a provision designed to prevent deliberate sabotaging of competing products by Microsoft. Does the PFJ restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards, including Java, or to engage in campaigns to deceive developers of competitor platform, middleware or applications software?"

ANSWER

The proposed Final Judgment does not expressly restrict Microsoft's ability to modify, alter, or refuse to support computer industry standards, or engage in campaigns to deceive software developers. The Department chose not to include the referenced provision because the term originally included in Judge Jackson's order allowed Microsoft to take steps to change its operating system that would interfere with third-party's middleware to interoperate as long as Microsoft informed the third party of the change and what, if anything, could be done to fix the problem. This would have, in effect, given Microsoft a license to interfere with competing middleware as long as it simply notified the competing developer. In addition, this provision would have been difficult for the Department to enforce in this case because of the constant changes Microsoft makes to its operating system, which while potentially procompetitive, may have the unintentional consequence of affecting a competing product's interoperability. Therefore, implementing this provision would have resulted in unnecessary compliance disputes. The proposed Final Judgment hinders Microsoft's ability to disadvantage competing middleware developers by making the means

by which middleware products interoperate with the operating system more transparent. The proposed Final Judgment requires Microsoft to now disclose those APIs that its middleware products use to interoperate with the operating system. Disclosure of these APIs will make it harder for Microsoft to interfere with competing middleware. Further, to the extent computer industry standards are implemented in communications protocols, as often occurs, Microsoft must license those protocols in accordance with Section III.E., including any modifications or alterations to the industry standard protocols. When the industry standard is implemented between a Microsoft middleware product, such as its Java Virtual Machine, and the operating system, Microsoft must disclose that interface.

QUESTION

17. The Court of Appeals found that Microsoft violated Section 2 of the Sherman Act by entering into an exclusive contract with Apple that required Apple to install Internet Explorer as the Macintosh browser. Microsoft III, 252 F.3d at 72-74. Many observers accuse Microsoft of having forced Apple to enter into the contract by threatening to withhold the porting of Microsoft Office to the Macintosh operating system. Does the PFJ prohibit Microsoft from threatening to withhold development of Microsoft Office with respect to other platforms, such as handheld devices, set-top boxes, and phones? If no, why did the Department choose not to address this concern in the PFJ?

ANSWER

The proposed Final Judgment would prohibit Microsoft from threatening to withhold the development of Microsoft Office for other platforms, such as handheld devices, set-top boxes and phones, if it did so because the software or hardware developer was developing, using, distributing, promoting or supporting ant" software that competes with Microsoft's middleware or operating system products (or any software that runs on any software that competes with Microsoft's middleware or operating system products), or because the developer exercises any of the options or alternatives provided for under the proposed Final Judgment.

QUESTION

18. You have been quoted as saying that various software and computer services companies are in the process of purchasing space on the desktop from Microsoft. (Business Week, November 19, 2001, p. 116). In the Department's view, is the space on the desktop on computers manufactured by the OEMs owned by Microsoft or should that space be the property of the computer manufacturers?

ANSWER

Whether the space on the desktop is owned by Microsoft or is the property of the computer manufacturers does not impact the effectiveness of the proposed Final Judgment in remedying the anticompetitive conduct by Microsoft. The Department does not have a view as to whether the space on the desktop should be viewed as the property of

Microsoft or the computer manufacturers. The Department does have the view that Microsoft middleware and competing middleware should compete for the space, and the proposed Final Judgment ensures that this competition occurs.

QUESTION

19. The CIS suggests the Department has embraced the goal of encouraging competitive development of "middleware" in order that such middleware can become the type of platform software that could challenge the operating system monopoly. The settlement requires Microsoft to allow OEMs to remove consumer "access" to the company's "middleware." It has been observed, however, that since the code for Microsoft's "middleware" is commingled with Windows, OEMs are only allowed to remove the icon for a middleware application. The CIS seems to acknowledge that Microsoft understood that software developers would only write to the APIs exposed by Navigator in numbers large enough to threaten the applications barrier to entry if they believe that Navigator would emerge as the standard software employed to browse the web. Can you explain why you believe third-party application developers would write applications to non-Microsoft APIs if the Microsoft middleware APIs as well as the Windows APIs will be present on over 95% of the personal computers sold?

ANSWER

The proposed Final Judgment will require Microsoft to do more than simply allow for the removal of its middleware icons. It requires that Microsoft allow end users and computer manufacturers to remove other means of access to, and override automatic invocations of, Microsoft middleware products and replace them with independently developed middleware products. Therefore, regardless of whether some portion of the Microsoft middleware code remains, end users and computer manufacturers can remove access to such middleware and replace it with alternative middleware. As the trial demonstrated, actual usage of a middleware product by the consumer, and not simply the presence of the product's code on the computer, has competitive significance. The marketplace, however, will determine whether any particular middleware product becomes sufficiently ubiquitous. This will ensure that competing middleware products will have the opportunity to compete for placement on the personal computer and that consumers will have a choice.

QUESTION

20. Concerns have been raised about the consequences of several "provisos" that have been included in the PFJ. For example, Section III.H.3 prohibits Microsoft from denying consumers the choice of using competing applications, but a proviso to this language states that Microsoft can challenge a consumer's decision to choose an application other than its own after 14 days and encourage the consumer to switch back to the Microsoft product. What does the Department believe will be the impact of the messages that Microsoft will be able to send

to consumers on their own computers? Are other companies permitted to send comparable messages to consumers who choose to utilize Microsoft products? Finally, why did the Department choose a period of 14 days as opposed to some other period of time?

ANSWER

It is incorrect that the proposed Final Judgment allows Microsoft to "challenge" a consumer's decision to select a non-Microsoft middleware product. Some end users prefer to have icons readily available on the desktop; others prefer a "clean desktop." In Windows XP, Microsoft has a Clean Desktop Wizard, which asks a user whether he or she would like to have unused icons (whether for Microsoft products or other products) taken off the desktop and placed in a folder, where they can still be easily accessed. The proposed Final Judgment allows Microsoft to continue providing this cleanup function, which the user can choose to take advantage of or not. The impact will be that end users can exercise choice. The proposed Final Judgment requires Microsoft to wait 14 days before it seeks confirmation from the end user because this will ensure that end users have a meaningful opportunity to determine which products, if any, they want to keep on the desktop.

QUESTION

21. Under Sections III.H and VI.N, a competing middleware application receives protection under the PFJ, but this protection applies only if the competitor ships at least one million units over the course of a year. Why did the Department choose that particular number? Did the Department give consideration to the argument that small innovators, who may be in the initial stages of product development and sales, might be in need of greater protection than a company capable of selling more than one million units?

ANSWER

The one million copies figure is implicated only in the operative provision contained in Section III.H. of the proposed Final Judgment and only to a very limited extent in Section III.D. Section III.H. requires Microsoft to include in Windows an effective add/remove function to allow end users and computer manufacturers to enable or remove access to Microsoft and non-Microsoft middleware products, and to permit non-Microsoft middleware products to take on a default status that will override middleware functions Microsoft has integrated into the operating system. Distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today, and including this limited qualification in Section III.H. will ensure that Microsoft's affirmative obligations under these provisions will not be triggered by minor, or even nonexistent, products that have not established a competitive potential in the market and that might even be unknown to Microsoft development personnel.

The one million copies figure applies in even a more limited fashion to Section III.D. That section requires Microsoft to disclose to

software and hardware developers, computer manufacturers and others in the industry certain APIs and other technical information that Microsoft's middleware products use to interoperate with the Windows operating system. The one million copy, limitation applies only to disclosures of interfaces for future middleware that has not yet been developed or even conceived. The Department considered the competitive impact of smaller innovators. In fact, the proposed Final Judgment provides protection for nascent middleware products by prohibiting Microsoft from retaliating or discriminating against them, regardless of the number of copies that they distribute.

22. [The letter skips this question.]

QUESTION

23. Section III.B of the PFJ prohibits Microsoft from engaging in discriminator³ pricing of its desktop operating system with OEMs. Does the PFJ also prohibit use of this same kind of discriminatory pricing against server operating systems and other non-Windows software?

ANSWER

The proposed Final Judgment does not require Microsoft to use uniform terms and conditions when licensing its server operating system or other non-Windows software.

QUESTION

24. The interim decree proposed by Judge Jackson included a provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware software. Does the PFJ contain a comparable provision? If not, what was the Department's rationale for not including this prohibition in the proposed settlement?

ANSWER

The proposed Final Judgment does not contain an express provision precluding Microsoft from taking knowing action to disable or adversely affect the operation of competing middleware products. As explained more fully in response to question 16, the Department chose not to include this type of provision because it would have given Microsoft a license to interfere with competing middleware as long as it simply notified the competing developer. In addition, it would have been difficult for the Department to enforce the provision because of the constant changes Microsoft makes to its operating system. Many of these changes would have been known by Microsoft to have the unintended consequence of affecting a competing product's interoperability. Instead, the proposed Final Judgment contains provisions that require Microsoft to provide competing middleware with APIs needed to interoperate with the Windows operating system.

QUESTION

25. Why did the Department choose not to present evidence to the District Court on current PC operating system market developments, including changes in the Internet browser market share since the trial began? Did the Department undertake an investigation of current market developments

to determine the impact of the PFJ on the existing market realities? For example, was there an analysis of the impact of the proposed settlement on Microsoft's proposed future products and services?

ANSWER

Judge Kollar-Kotelly had scheduled an evidentiary hearing on remedy to take place in 2002. The Department would have had the opportunity to present evidence to the Court at that time. There was no opportunity to present evidence to the Court at an earlier date. The Department conducted an ongoing evaluation of market developments and the impact of the proposed Final Judgment on existing market realities. One result of this evaluation was to broaden the definition of middleware to include new potential threats to the operating system, including email clients, media players, instant messaging software and future middleware developments. The Department also analyzed the impact of the Court of Appeals' decision and the proposed Final Judgment on Microsoft's future products and services.

QUESTION

26. The CIS suggests that the District Court's role under the Antitrust Procedures and Penalties Act is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its complaint. See CIS at p. 67. Yet the authorities cited for that proposition appear to be cases that were settled before trial. Some observers argue that in this case the District Court should review the settlement in relationship to the Court of Appeals ruling rather than to the violations alleged in the original complaint. Does the Department agree with that assessment?

ANSWER

Beyond the Department's position set forth in its submissions to the Court, the Department cannot comment on the appropriate review by the Court because the Court's review of the proposed Final Judgment is pending under the Tunney Act.

QUESTION

27. Has the Department undertaken any studies to determine the effectiveness of its prior consent decree with Microsoft in restoring competition? How do you believe prior obstacles to enforcement of consent decrees with Microsoft are addressed in the PFJ?

ANSWER

The Department has not conducted a formal study on the effectiveness of the prior consent decree with Microsoft. In its ongoing evaluation of the effectiveness of the proposed Final Judgment, however, the Department did consider the prior consent decree with Microsoft. There has been no determination by a court of obstacles to enforcement of consent decrees with Microsoft. Moreover, the proposed Final Judgment in this case contains some of the most stringent enforcement provisions contained in a modern consent decree. In addition to the ordinary prosecutorial access powers, the proposed Final Judgment requires an independent, full-time, on-site technical compliance team and a provision

under which the term of the judgment may be extended by up to two years in the event the Court finds serious, systemic violations.

QUESTION

28. Do you believe that current antitrust law is sufficient to guarantee not only competition but timely enforcement in areas such as the software industry?

ANSWER

The Department believes that the current antitrust laws are sufficient to guarantee not only competition, but timely enforcement in high-tech areas, such as the software industry.

QUESTION

29. What steps, if any, should be taken, legislatively or otherwise, to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry?

ANSWER

The Department does not believe that any changes to the antitrust laws are needed to ensure that the Department has the proper economic and technological resources to enforce the law in the software industry or other high-tech areas. The Department should continue to have the adequate resources to enforce the laws as long as appropriately funded by the Congress. Please do not hesitate to contact us if we can be of assistance on this (or an), other matter.

Sincerely,

Daniel J. Bryant

Assistant Attorney General

1150 SEVENTEENTH STREET, N. W.

WASHINGTON, D. C. 20036

December 11, 2001

The Honorable Patrick J. Leahy, Chairman

Committee on the Judiciary

United States Senate

Washington, DC 20510

The Honorable Orrin G. Hatch Committee

on the Judiciary United States Senate

Washington, DC 20510

Dear Chairman Leahy and Senator Hatch:

The Proposed Final Judgment (PFJ) in *U.S.*

v. Microsoft is a woefully inadequate end to

more than 11 years of investigation and

litigation against Microsoft Corporation.

There is no longer a debate over Microsoft's

liability under the antitrust laws. Microsoft

has been found liable before the District

Court. Microsoft lost its appeal to the United

States Court of Appeals for the District of

Columbia Circuit sitting en banc in a 7-0

decision. Microsoft's petition for a rehearing

before the Court of Appeals was refused.

Microsoft's petition for certiorari before the

Supreme Court was also denied. The courts

have decided that Microsoft possesses

monopoly power and has used that power

unlawfully to protect its monopoly.

The case now turns back to the District

Court for review under the Antitrust

Procedures and Penalties Act—the so-called

Tunney Act. Under the Tunney Act the Court

must reach an independent judgment on

whether or not the settlement is in the

“public interest.” The District Court finds

itself in an interesting posture in that in the

30 years since the Tunney Act was enacted,

it has never been applied in a case which has

been litigated and affirmed. What is unique

about the application of the Tunney Act in *U.S. v. Microsoft* is that rather than some ambiguous "public interest" standard, the District Court will now be obligated to reach a decision on whether or not the settlement corresponds to the clear guidance of the Court of Appeals.

The court of appeals set out a simple standard for measuring the legal sufficiency of any remedy selected in the Microsoft litigation: the remedy must "seek to 'unfetter [the] market from anticompetitive conduct,' to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no 'practices likely to result in monopolization in the future.'" *United States v. Microsoft Corp.*, 253 F.3d 34, 103 (DC Cir. 2001) ("Microsoft III") (quoting *Ford Motor Co. v. United States*, 405 U.S. 562, 577 (1972), and *United States v. United Shoe Machinery Corp.*, 391 U.S. 244, 250 (1968)). The Court of Appeals was very deliberate in its handling of this case, and its finely crafted opinion manifestly chose its words and precedents with care. In citing the *Ford Autolite* and *United Shoe* cases, the DC Circuit underscored the clear guidance of the Supreme Court in monopolization cases. The DC Circuit provided equally straightforward guidance in explaining Microsoft's liability for illegal monopolization. At the core of the case was Microsoft's successful campaign to eliminate the dual threats of Netscape's Navigator web browser and the Java programming language. Both Navigator and Java were "platform threats" to Microsoft's underlying operating system. Both Navigator and Java served as "middleware." "Middleware" means that these programs exposed applications programming interfaces (APIs) so that third party applications developers could write applications to Navigator and Java in lieu of the underlying Windows operating system. And because both Navigator and Java ran on operating systems other than Windows they fundamentally threatened the Windows operating system, Microsoft's core source of monopoly power. The DC Circuit could not have been clearer on these points. See *Microsoft HI*, 253 F.3d at 53-56, 60. At a minimum any proposed settlement must effectively remedy this problem.

Unfortunately, the remedy accepted by the Antitrust Division of the Justice Department ignores most of the key findings by both the Court of Appeals and the District Court. The PFJ falls far short of the standards for relief clearly articulated by the Court of Appeals and the United States Supreme Court. The PFJ includes provisions that potentially make the competitive landscape of the software industry worse. And, the PFJ contains so many ambiguities and loopholes as to make it unenforceable, and likely to guarantee years of additional litigation.

That the PFJ will hamper Microsoft's illegal behavior not at all is shown by the reactions of the investment community:

"We have review the Settlement Agreement between MSFT and the DoJ ... the states (and to a lesser degree the DoJ) had talked tough and set expectations for a knock- out victory, and now must accept criticism that they walked away with too

little concessions from Microsoft." Goldman Sachs, 11/2/01

"As we have stated before, we believe a settlement is a best case scenario for Microsoft. And, this settlement in particular seems like a win for Microsoft being that it would preserve Microsoft's ability to bundle its Internet assets with Windows XP and "2 future operating systems—a plus for the company. In fact, it appears that Internet assets such as Passport are untouched. Also, as is typical with legal judgments, this settlement is backward looking, not forward looking. In other words, it looks at processes in the past, but not potential development of the future." Morgan Stanley, 11/02/01

"The deal ... appears to be more, better, and faster" than we expected in a settlement deal between Microsoft and DoJ. The deal will apparently require few if any changes in Windows XP and leave important aspects of Microsoft's market power intact." Prudential Financial, 11/01/01

"With a dramatic win last week, Microsoft appears to be on its way to putting the U.S. antitrust case behind it. The PFJ between the Department of Justice and Microsoft gives little for Microsoft's competitors to cheer about There is very little chance that competitors could prove or win effective relief from violation of this agreement, in our view." Schwab Capital Markets, 11/6/01

This takes on particular importance given the state of the software market. Since the end of the trial before the District Court the market has changed substantially: Microsoft's monopolies are stronger in each of its core markets with both the Windows operating system and the Office suite now higher than 92 percent and 95 percent, respectively;

Microsoft has achieved a new monopoly in web browsers;

Competitive forces that may have existed in the past—most notably the Linux operating system—now clearly pose no threat to Microsoft's monopoly; and Microsoft has made clear it intends to further protect and extend its monopoly through a series of initiatives including, Hailstorm (web-services); Windows XP, and .NET.

Some policy makers have adopted the view that settling this case could somehow revive the slowing U.S. economy. This is an absurd proposition. The problem with the PC sector today is that demand has slowed and prices for PC hardware have plummeted (as opposed to Microsoft's software which has effectively increased in price). It is simply incorrect to equate slowing PC demand with Microsoft's legal problems. Also, we are unaware of any economic theory that suggests that monopolies maintained by predatory conduct—as opposed to competition and innovation—can spur economic growth. As the Precursor Group recently pointed out: "investor lament about the lack of broadband and the absence of killer applications is the other side of the coin" to investor glee with the market power and profits of incumbent Bell, Cable; and Microsoft monopolies ... having legal monopolies on the major access points to the Internet is unlikely to maximize innovation and growth that investors are counting on."

The briefing memorandum offered in support of these views documents general

problems with the PFJ and specific section-by-section analysis of the PFJ's provisions. However, this memorandum is meant to be illustrative—not comprehensive—to give policy makers a preview of the issues to be examined under the Tunney Act. The Antitrust Division and Microsoft will continue to insist that the PFJ sufficiently remedies the issues in the case.

Yet these arguments simply cannot be squared with the fact that every independent investment analyst and industry analyst has concluded that this remedy will have n— 90 material impact on Microsoft's business.

Policy makers also need to pay attention to the precedent this case establishes. In settling the most important antitrust case in decades through a remedy that will have not impact on the current or future competitive landscape, and absolutely no deterrent effect on the defendant, the Department of Justice has effectively repealed a major segment of the nation's antitrust laws. Moreover, any potential witness with knowledge of anticompetitive conduct in a monopolized market has to weigh the potential benefit of his or her testimony against the likely response of the defendant monopolist. The DOJ's proposed meaningless remedy would insure that no witness would ever testify against Microsoft in any future enforcement action.

The PFJ, in short, places this defendant in a position of effectively being above the antitrust laws, and does so by surrendering the government's victory in the District Court and the unanimous seven-member Court of Appeals. That is a result that should not be countenance&

Yours truly,

Robert H. Bork

RHB:lh

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December 11, 2001

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The Honorable Patrick J. Leahy
Chairman

Committee on the Judiciary

United States Senate

SD-224

Washington, DC 20510

The Honorable Orrin G. Hatch

Ranking Minority, Member

Committee on the Judiciary

United States Senate

SD-224

Washington, DC 20510

Dear Chairman Leahy and Senator Hatch,

I was privileged to have received the invitation to testify at your hearing on Wednesday, December 12, and had looked forward to offering my views about the likely effect of the proposed Microsoft settlement, particularly on the state of innovation in the high-technology industries.

At the time I was asked to testify, it was suggested my testimony might be useful to the committee because of my experience as the CEO of Netscape, and especially because Netscape was founded at a time when Microsoft was first charged with Sherman Act violations. Those of us at Netscape competed with Microsoft at a time when Microsoft was theoretically constrained by a

1995 Consent Decree, and thus I would be in a position to attest to Microsoft's business conduct during a period in which anticompetitive actions would theoretically be restrained.

Moreover, my testimony would have been free of any fear of Microsoft. I am no longer in a business that competes with them. I can afford to tell the truth, and the truth needs to be told.

It is an established legal fact that Microsoft has retaliated against firms like Netscape, Intel, Apple, Real Networks, IBM, Compaq and a host of others which have 2730 Sand Hill Road Suite 100. Menlo Park, CA 94025 (650) 234 5200 main (650) 234 5201 fax

These developments have stiffened my resolve to do all that I can to insure that competition and consumer choice are reintroduced to the industry. It is vitally important that no company can do to a future Netscape what Microsoft did to Netscape from 1995 to 1999. It is universally recognized that that the 1995 Consent Decree was ineffective. I respectfully submit that the Proposed Final Judgment ("PFJ"), which is the subject of the hearing, will be even less effective, if possible, than the 1995 Decree in restoring competition and stopping anticompetitive behavior.

Accordingly, Senator Leahy, I am going to follow your suggestion that I help the committee answer one of the central questions:

If the PFJ had been in effect off along, how would it have affected Netscape? More important, how will it affect future Neiscapes? Impact on future Netscapes.

As discussed in the attached document, the unambiguous conclusion is that if the PFJ agreed upon last month by Microsoft and the Department of Justice had been in existence in 199a; Netscape would have never been able to obtain the necessary venture capital financing. In fact, the company would not have come into being in the first place. The work of Marc Andreessen's team at the University of Illinois in developing the Mosaic browser would likely have remained an academic exercise.

An innovative, independent browser company simply could not survive under the PFJ. And such would be the effect on any company developing in the future technologies as innovative as the browser was in the mid 1990s.

That leaves the question of whether Microsoft itself would have developed browser technology necessary for Internet navigation. My belief is that Microsoft would not have developed that technology. It is abundantly clear that Microsoft viewed the browser and the Internet itself as the principal threat to their core business of selling operating systems and applications for desktop computers.

This PFJ allows Microsoft to employ the full fury, of its multiple monopolies against anyone who would develop a browser or any other technology that might have the potential to challenge any aspects of Microsoft's business. I have reviewed the PFJ, and my impression continues to be that it is a document whose principal purpose is to protect Microsoft from competition, and not to open up the market to competition with

Microsoft. I note, again with pleasure, that the .remedy proposal by the state Attorneys General who remain as plaintiffs would significantly open the market up to competition.

deigned to compete with parts of Microsoft's business. The courts have repeatedly and unanimously found that this atmosphere has led to the stifling of innovation throughout the high-technology sector, harming consumers and the economy. Perhaps worse, Microsoft has created an atmosphere where those who witness violations of the law are afraid to share what they know with law enforcement officials. The certainty of retaliation against these potential witnesses has had, to varying degrees, the effect of obstructing justice. One of the points I would have made had I been able to testify, is that the settlement between Microsoft 2 and the Department of Justice would do virtually nothing to protect Computer manufacturers and others from Microsoft's retaliation. Which means that, fundamentally, Microsoft's behavior will not be changed by it. The settlement is simply that—a memorial to the end, not a remedy for the past or for the future.

Over the last five years, the Committee has pushed soak-are companies to step forward and make public their concerns about Microsoft's illegal conduct, to identify how the company's anticompetitive behavior was eliminating competition, discouraging investment and stifling innovation. Witnesses were told—and I was one of them—that policymakers understood that antitrust law enforcement was critical to insuring competition in the software industry. Witnesses were told that cooperation with the government not only made good business sense; it was their public duty, and necessary to insure the illegal conduct was appropriately remedied.

Not surprisingly, many were reluctant, fearful of what would happen to their businesses and their employees. Many that came forward paid a heavy price. Retaliation was meted out in a variety, of ways. Meanwhile, the company that broke the law has only grown stronger. The Committee may wish to consider how this result might impact the administration of justice, as well as any potential future testimony in both the legislative and judicial branches of government.

During the Cold War, we used to refer to a concept known as Finlandization. What this referred to was that Finland was nominally free of the Soviet Union, but was so threatened by it, it could not act unilaterally without tempering its actions so as not to offend its giant neighbor which could crash it at will. The technology industry now, and at or the settlement with DOJ, is still effectively, Finlandized by Microsoft. It is still dominated, and will still cower in fear of the monopolist unbound. The resolution of the antitrust litigation will to a large degree determine whether or when that atmosphere changes. That may well be a larger issue than the specifics of any proposed settlement. I note with some real satisfaction that the remedy outlined last Friday by the nine state Attorneys General who remain as plaintiffs would have the

effect of genuinely constraining Microsoft, and thus liberating the technology industry from the shadow cast by Microsoft.

If the PFJ provisions are allowed to go into effect, it is unrealistic to think that anybody would ever secure venture capital financing to compete against Microsoft. This would be a tragedy for our nation. It makes a mockery of the notion that the PFJ is "good for the economy."

If the PFJ goes into effect, it will subject an entire industry, to dominance by an unconstrained monopolist, thus snuffing out competition. consume: choice and innovation in perhaps our nation's most important: industry. And worse, it will allow them to extend their dominance to more traditional businesses such as financial services, entertainment, telecommunications, and perhaps many others.

Four years ago I appeared before the committee and was able to demonstrate, with the help of the audience, that Microsoft undoubtedly had a monopoly. Now it has been proven in the courts that Microsoft not only has a monopoly, but they have illegally maintained that monopoly through a series of abusive and predatory actions. I submit to the committee that Microsoft is infinitely stronger in each of their core businesses than they were four years ago, despite the fact that their principal arguments have been repudiated 8-0 by the federal courts. I hope you will keep these thoughts in mind during your hearings. A more detailed analysis of my views follows.

JLB/s
Attachment
Sincerely yours:
Jams L. Barksdale

Background on Netscape and the Internet browser.

Many of you know that Netscape was founded by Dr. Jim Clark and Marc Andreessen. Marc had been a participant in National Science Foundation programs in the early 90s at the University of Illinois, where he and his team in 1993 wrote the code that became the first easy to use browser. Even though the Internet and its ancestors had been around since the 1960's, the graphical browser- which allowed non-computer scientists to navigate the Internet—was the technological innovation we had been waiting for. This led to the creation of Netscape in 1994. This triggered an explosion in innovation, and changed all of our lives. I am proud to have served as Netscape's CEO from 1995-1999, when it was acquired by AOL, and very proud of the role Netscape had in changing the world for the better.

A. API Disclosure.

The browser was and is a third party application. But it is also a potential platform which exposed Application Programming Interfaces ("APIs") and supported other third party, applications. Third party applications writers desired to write applications to the browser platform, because once these applications worked with the browser, they would automatically run on any operating system on which the browser was present. It is well documented that Microsoft was concerned this phenomenon would commoditize

Windows—meaning that this would bring about real competition in the operating system market. Introducing competition to a monopolized market would have been exactly the kind of positive development our competition policies welcome.

Of course, the browser could not work without an operating system. We needed Microsoft's cooperation and we needed the Windows APIs necessary to insure Netscape's browser interoperated with Windows.

It was well known that Windows "95 would be a major product release for Microsoft. We contacted Microsoft in the spring of 1995 about obtaining the necessary APIs, the same APIs they were distributing to other 3rd party applications writers. Because Microsoft viewed Netscape as a potential competitor, they withheld the necessary APIs from Netscape for an extended period of time—almost a year.

Question I. Would the PFJ have compelled the disclosure of the APIs necessary for Netscape's browser to interoperate with Windows?

Answer: A resounding no. The PFJ would not have compelled meaningful disclosure in a timely way.

It is advertised that the PFJ "requires" Microsoft to disclose to third party software developers the APIs for Windows. A review of the definitions reveals that the provision is essentially meaningless. APIs for new versions of the Windows operating systems must be disclosed in a "timely manner." "Timely manner" is triggered when Microsoft distributes beta copies of its software to 150,000 "beta testers." It is highly doubtful Microsoft ever distributed beta copies of its software to 150,000 "beta testers". More important, this provision allows Microsoft to unilaterally decide act to reach the timely manner definition in the first place, which insures they can avoid disclosure by simply keeping the number of beta testers remains below 150,000.

The other disclosure requirements in the PFJ seem to call for the kind of disclosure made to members of the Microsoft Developers Network. The problem of withholding necessary APIs only presents itself when the entity requesting the APIs is a partial competitor to Microsoft. Under the PFI, Microsoft's ability to arbitrarily withhold APIs from those that would deign to enter into competition with Microsoft is left intact. Moreover, provision J of the Proposed Final Judgment allows Microsoft to withhold technical information if it might "compromise the security" of authentication or encryption systems. This provision would clearly implicate information disclosed relevant to browser technology, since a browser, by definition, encapsulates encryption software. The Committee needs to understand that products either interoperate or they don't. In order to interoperate effectively, third parties must have all of the information, not some subset defined by Microsoft.

For example, in 1995, there was a debate between Microsoft and Netscape about whose authentication and encryption software was better. Netscape had developed and implemented SSL, and Microsoft had

implemented SMTP. Microsoft would have never distributed APIs at a critical time in Netscape's development because they had claimed, if the PFJ had been in effect, those APIs would undermine SMTP. Lastly, the PFJ fails to define the critical term "interoperability." The PFJ leaves the term to be defined by Microsoft.

The sum of the API provision will ensure that Microsoft will continue to determine the flow of information to third party developers. And any dispute—which may be favorably resolved by the so-called "Technical Committee," will never be conducted in a timely manner.

B. Killing Browser Competition by Commingling Browser Code With Windows and Calling it all "Windows".

Netscape distributed the first commercially successful browser. Microsoft decided to distribute their browsers without charge. As the litigation demonstrated, Microsoft decided by 1997 to bolt the browser together with Windows because, as their testimony indicated, they were losing the battle. Attachment

Litigation ensued. Microsoft denied that it had violated the law in so doing, citing the language of the 1995 Consent Decree. Ultimately, the Court of Appeals held in June, 1998, that under the terms of the 1995 Consent Decree, Microsoft was entitled to bind products together as long as there was a "facially plausible" explanation for having done so. The Court pointedly said at the time that this issue might have been decided differently if it were a Sherman Act case rather than a Consent Decree case. Nevertheless, Microsoft seized upon this Consent Decree opinion and claimed that it could now bundle a ham sandwich as part of Windows if they wanted.

Let me make one point clear: while I believe this was the wrong result, I do not blame Microsoft for attempting to prevail on this point—The fault lies with the Department of Justice for having written a poor agreement with Microsoft in the first place. The agreement was flawed in that it contained language which was at best ambiguous and, at worst, an avenue for Microsoft to flaunt the decree.

The Sherman Act antitrust case against Microsoft was filed in May, 1998." The government alleged that Microsoft's practice of tying the browser and operating system together was illegal. In June, 2001, the Court of Appeals this time said that Microsoft's practice of "commingling" the browser and operating system code together was illegal.

Question 2. How does the PFJ deal with the issue of binding other software to Windows?

Answer. Remarkably, the PFJ depicts Microsoft's ham sandwich armament. It contains a definition which says that Windows is whatever Microsoft says it is. The net effect of this is whenever any software is developed which could threaten Microsoft, Microsoft can simply bolt a similar product into Windows and call it all one product. Since this language is more favorable to Microsoft than current law, it is an example of how Microsoft, the defendant in the lawsuit, actually gained affirmative exceptions from current law through negotiations with the Department of Justice.

Once again, I don't blame Microsoft for trying. They're supposed to negotiate the best deal possible. It is the fault of the Justice Department and the various states who agreed to this.

The PFJ not only would not have protected Netscape from Microsoft's predatory conduct. It actually would have provided less protection than any of the legal standards that have existed the past ten years.

C. Distribution and Retaliation.

The most important distribution channel in the software business is the OEM channel. Microsoft controls that channel by virtue of having the Windows monopoly. If Microsoft chooses not to distribute Windows to a particular OEM in a timely manner, the OEM simply cannot sell computers.

The OEM channel became the most important distribution channel for Netscape as well. Microsoft used its market power to impede Netscape's ability to distribute Attachment browsers. They said they were going to "choke off (our) air supply" and they began to execute on that strategy. OEMs who wanted to feature Netscape's browser were punished by Microsoft. The price of Windows was increased, or the threat of canceling the Windows license was made.

Question 3. How does the PFJ protect against retaliation by Microsoft against an OEM or anybody else who would prefer to feature or sell non-Microsoft software? Answer: The first thing that must be taken into account is that there is nothing in this remedy which will lead to more competition in the operating system market, so OEMs know that Microsoft's position is more secure as a monopolist than ever before. That fact, juxtaposed with the permanent cancellation threat Microsoft gained by this settlement, is intended to and will freeze any OEM wishing to promote non-Microsoft alternatives. Under this agreement, Microsoft can terminate, without notice, a PC company's Windows license, after sending the PC company two notices that it believes it is violating its license. There need not be any adjudication or determination by any independent tribunal that Microsoft's claims are correct; only notice to any PC company of a putative violation, and thereafter, Microsoft may terminate without even giving notice.

This provision means that the PC companies are, at any time, just two registered letters away from an unannounced economic calamity. It will render the PC companies severely limited in their willingness to promote products that compete with Microsoft. Even though Microsoft is an adjudged monopolist, it is constrained only from certain specified forms of retaliation, presumably empowering it to engage in other forms of retaliation. This formulation is particularly problematic because the protected PC company activities are narrowly and specifically defined. Retaliation against a PC company for installing a non-Microsoft application that does not meet the middleware definition is NOT prohibited; nor is retaliation against a PC company for removing a Microsoft application that does not meet the middleware definition.

Microsoft cart price Windows at a high price, and then put economic pressure on the PC company to use only Microsoft applications through the provision that Microsoft can provide unlimited consideration to PC companies for distributing or promoting Microsoft's services or products. The limitation that these payments must be "commensurate with the absolute level or amount of" PC company expenditures is hollow, since there is no cost methodology proposed, and no mechanism to account for costs in any event.

Under the settlement, Microsoft can provide unlimited "market development allowances, programs, or other discounts in connection with Windows Operating System Products." This provision essentially eviscerates the entire scheme of PC company choice, functioning the same way as the rebate provision discussed above, but without any tether or limiting principle whatsoever. Simply put, MSFT can charge \$150 per copy of Windows, but then provide a \$99 "market development allowance" for PC companies that install Windows Media Player as opposed to Real Networks media player.

Presumably, this is intended to be prescribed by a provision which says that "discounts or their award" shall not be "based on or impose any criterion or requirement that is otherwise inconsistent with ... this Final Judgment," but this circular and self-referential provision does not ensure that the practice identified above is prohibited. And Microsoft is free to retaliate against PC companies that promote competition by withholding any existing form of "non-monetary Compensation"—only "newly introduced forms of non-monetary Consideration" may not be withheld. Nora that the Wall Street article of December by John Wiike, which discussed why computer makers would not testify before the Senate Judiciary, Committee: "None of the computer makers that are supposed to be the chief beneficiaries of the Justice Department settlement agreed to testify. Two major computer makers said in interviews that the proposed settlement's antiretaliation provisions are so weak that they were unlikely to take advantage of its other provisions allowing PC makers to use rival technologies. The government settlement 'leaves Microsoft as the gatekeeper of innovation in the industry,' an executive of one PC maker said last week.

Remember that we are talking about the remedy in antitrust case where the monopolist has been found to have violated the law in spades. Ask yourselves how it is possible that in this remedy Microsoft secured for itself the fight to retaliate against anybody. Allowing consumers to exercise real software choice. We believed at Netscape that as long as consumers could exercise real browser choice, Netscape could compete with Microsoft. We even said we could "compete with free". That is, a scenario where our customers paid for browsers and Microsoft gave its browser away for free.

We ultimately were unable to compete with a free product that was bolted to the operating system for anticompetitive reasons.

Question 4. Does the PFJ empower the consumer to make choices about what

software to use, and if so, does it require Microsoft to respect those choices in the future? Two of the key provisions of the PFJ cited by DOJ as instrumental in restoring competition merely require Microsoft continue to .engage in business as usual. First, DOJ points to the provision that allows PC companies and end users to remove "end user access" to Microsoft middleware (i.e. Internet Explorer, Windows Media Player, Windows Messenger, etc). It is important to understand that all "end user access" really means is the ability to remove the "icon" for the middleware application, not the middleware itself. Second, DOJ "grants" the PC companies "flexibility" to add or remove icons on the Windows desktop.

We have been down this road before. OEMs will not exercise choice to merely remove or add icons because that is not a meaningful choice. PC companies have always enjoyed the flexibility to add icons to the Windows desktop. Microsoft specifically announced in July that OEMs could remove Internet Explorer icons from the desktop. And Microsoft had previously been ordered by the Court to display such flexibility in 1998. Until the fundamental relationship between Microsoft and the OEMs changes, no OEM will avail themselves of this cosmetic flexibility.

Astonishingly, Microsoft actually seared for itself in the PFJ a provision that allows Microsoft to exploit its "desktop sweeper" to eliminate PC company installed .icons by asking an end user if he she warns the PC company-installed configuration wiped out after 14 days. Thus, rite PC company flexibility provisions will only last on the desktop with certainty for 14 days, and after that period, persistent automated queries from Microsoft can reverse the effect of the PC company's installations. The effect of this provision is to severely devalue the ability of PC companies to offer premier desktop space to ISVs—and to undermine the ability of PC companies to differentiate their products and provide consumers with real choices.

So, under this remedy, Microsoft gets to undermine the choices made by PC companies and grants Microsoft a second, third, and truly, infinite bites at the apple, to badger consumers into—unknowingly or unwittingly—switching back to Microsoft's software. The add remove provisions in the agreement only allow for removal of end user access to Microsoft .middleware, not the middleware itself. For example, a PC company or a consumer might choose to eliminate Microsoft's Internet Explorer and replace it with Netscape's Navigator as the default. Under this provision, Microsoft's Internet Explorer - not Netscape's Navigator—is still used in the MyDocuments, MyMusic, MyPictures and Windows Explorer folders. So Microsoft has secured an agreement that insures that Internet Explorer is used even when a consumer has chosen otherwise. And as stated above, Microsoft has secured in this agreement insurance that its browser and other middleware remains on PCs, even if the icon is removed. That will have the effect of guaranteeing that applications writers would not write to Netscape's browser.

As we have seen with the implementation of this approach (i.e., icon removal only)

with regard to Internet Explorer in Windows XP, MSFT can use the presentation, of this option in the utility to make it less desirable to end users. And remarkable, the agreement gives Microsoft a new weapon to use in its war to preserve the desktop as its own can demand that PC companies include icons for non-MSFT middleware in the add/remove utility.

Ask yourself this: we are talking about a remedy that flows from a case where Microsoft has brazenly violated antitrust laws. Why in the world should Microsoft be able to secure for itself in this remedy a provision that allows consumers to remove non-Microsoft software? This treats the other companies as if they broke the law, not Microsoft.

CONCLUSION: These are just a few of the provisions that would have affected Netscape or a similar company attempting to have a successful browser business. As stated above, it is my belief that if these provisions had been in effect, it is highly unlikely Netscape would have ever been founded.

If these provisions are allowed to go into effect, no entity will be able to secure venture capital financing to compete against Microsoft in any aspect of its business.

Policymakers must understand the consequences of this proposed action, I regret not being able to share my views directly with the Senate Judiciary Committee, but trust that you will do the necessary due diligence before this badly flawed agreement goes forward in the courts. The policy signal that will be sent if this agreement is finalized is that particularly determined monopolists will be rewarded for their intransigence. Is that really the competition policy of this country?

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September 20, 2001
Steven A. Ballmer
Chief Executive Officer
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Dear Mr. Ballmer:

In 1998, the Department of Justice and a significant number of state attorneys general filed a lawsuit alleging that Microsoft had monopoly power in the operating system market and that the company had engaged in illegal predatory practices to maintain this monopoly. Our states are not parties to the pending litigation. However, We have a continuing interest in issues relevant to the litigation.

Today we write to you to express our support for concerns raised by the states and

the Department of Justice in the litigation. We add our voices to those calling on Microsoft to remedy the antitrust problems that are now evident. We take this action for three reasons.

First, as a result of the trial record, we now have the ability to review a complete record of evidence concerning Microsoft's activities over the past several years to maintain its monopoly in the operating system market. Second, the district court's finding of monopoly maintenance was confirmed unanimously by the United States Court of Appeals for the District of Columbia Circuit. Finally, given our understanding of Microsoft's new Windows XP operating system, which is about to be released, we are concerned that aspects of this new product may lead to further erosion of competition in various software markets.

We are concerned that Windows XP may involve additional unlawful attempts by Microsoft to maintain its operating system monopoly. Notwithstanding the notable technological achievements imbedded into some of the products and services offered by Windows XP, Microsoft may have constructed this new product without due regard for relevant legal rulings," and without due regard for other issues involving consumer choice and consumer privacy.

Steven A. Ballmer

Moreover, there are many state governmental agencies currently using existing versions of Windows, and there are significant expressions of concern that Microsoft will be in a position to withdraw support for products currently in use in favor of Windows XP.

We agree with our colleagues, the litigating states and the federal government, that any anti-competitive aspects of Windows XP should be addressed. As the Court of Appeals succinctly stated, the remedy must, to the extent possible, "unfetter [the] market from anticompetitive conduct, ... and ensure that there remain no practices likely to result in monopolization in the future." We therefore are supportive of efforts of the litigating states and the Department of Justice to incorporate Windows XP into the remedy phase of the remanded Case.

Sincerely,

William H. Sorrell

Vermont Attorney General

On behalf of himself and:

Mark Pryor

Arkansas Attorney General

G. Steven Rowe

Maine Attorney General

Mike McGrath

Montana Attorney General

Phillip McLaughlin

New Hampshire Attorney General

Sheldon Whitehouse

Rhode Island Attorney General

Written Questions for Charles A. James

Chairman Patrick Leahy

"The Microsoft Settlement: A Look to the Future"

December 20, 2001

1. Jim Barksdale, the former CEO of Netscape, tells us in a written submission that if the proposed settlement had governed Microsoft's behavior ten years ago, he would never have been able to obtain the venture

capital to launch Netscape and, even flit did, Microsoft would have been able to crush the company. It is harsh criticism of the proposed settlement that it would have made no difference and that it would allow Microsoft to engage in the same exclusionary practices that extinguished Netscape and crippled Java. Do you think that this criticism is fair and, if not, why?

2. The remedy filed by the non-settling States would require that the agreement be enforced by a court-appointed special master with the authority to monitor Microsoft's complaints, and with the power to investigate, call witnesses, and conduct hearings if the company appears to have violated the agreement. Your proposed settlement provides for a three-member panel paid for by Microsoft that can listen to and investigate complaints, but which lacks the independent authority to convene hearings and examine witnesses. This panel must turn to the Justice Department for any such activity, and its members may not offer testimony themselves in any proceeding. Although the three member panel might be helpful in gathering some information, in terms of actual enforcement, the Justice Department will have to start from scratch with any action. In light of the fact that everyone agrees that this is a rapidly-moving industry, the inherent delays in such a process seem more likely to hamper than to enhance Microsoft's compliance with the decree. Why did you decide to create this unique and limited panel, rather than a more traditional special master?

3. The Court of Appeals specifically held—twice—that commingling the browser and operating system code violated section 2 of the Sherman Act. Yet, the proposed settlement contains no prohibition on commingling code. In your testimony before the Committee, you explained that the Department had never taken the position that Microsoft should be required to remove code from the operating system, and that the proposed settlement is thus consistent with a long-standing position of the Department. That explanation appears to neglects two things: First, the settlement is forward-looking, and second, the court's determination that commingling code was an exclusionary act. Taken together, these facts suggest that a ban on future exclusionary commingling of code is entirely consistent with the Department's position, would provide appropriate relief for the violation found, and would help prevent its recurrence. Do you agree that such a ban on future exclusionary commingling would comport with the Court of Appeals decision? Did you consider such a ban? Do you agree that such a ban on future exclusionary commingling would be would provide appropriate relief for the violation found, and would help prevent its recurrence?

4. There has never been a Tunney Act proceeding after litigation through the court of appeals before. In the first Microsoft-Department of Justice Tunney Act proceeding in 1994, the court suggested that great deference should be given to the appellate court's findings. Do you believe that the Court of Appeals' decision provides useful input to the definition of "public interest" in this unique context?

5. As I mentioned at the Committee's hearing, in describing your settlement, Fortune magazine said: "Even the loopholes have loopholes." The settlement limits the types of retaliation Microsoft may take against PC manufacturers that want to carry or promote non-Microsoft software. By implication the settlement appears to give a green light to other types of retaliation. You responded to my question about retaliation by saying that the settlement would permit collaboration generally approved in the antitrust case law. Please clarify the Department's position a little further:

(a) Why does the settlement not ban all types of retaliation?

(b) The settlement requires Microsoft to treat PC manufacturers the same in some respects but in other important respects Microsoft is allowed to treat PC manufacturers differently. What are the ways in which Microsoft can treat differently PC manufacturers that carry competing software compared to those that agree to carry Microsoft products exclusively?

(c) You referred to the fact that the settlement would permit certain collaborative conduct between Microsoft and others. Please explain in detail what types of collaboration are permitted by the decree, and what types are forbidden.

(d) Among the exceptions in the proposed settlement to the bans on retaliation, Microsoft is permitted to provide "consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service." This seems to permit Microsoft to reward OEMs based on whether they carry Microsoft's products or software; this is just the flip side of "retaliation." How is this different from punishing those who fail to accede to Microsoft's demands?

6. In 1995 the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word "integrate" as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

Written Questions for Jay Himes

Chairman Patrick Leahy

"The Microsoft Settlement: A Look to the Future"

December 20, 2001

1. A number of states are still litigating this case against Microsoft, and have submitted a remedy proposal to the district court. That proposal is stronger in significant respects than your proposed settlement. For example, they propose a court-appointed special master with the authority to gather evidence and conduct hearings as part of the enforcement mechanism.

(a) Do you believe that the more stringent provisions sought by the litigating states are not in the public interest?

(b) Did you consider restrictions similar to those sought by the non-settling parties or did you think that Microsoft would not agree to them?

2. The Com1 of Appeals found that Microsoft's deception of Java developers and "pollution of the Java standard" constituted exclusionary practices in violation of Section 2 of the Sherman Act, and eliminated its competitive presence in the desktop realm. Unlike Navigator, Java may still be a viable competitive force, in other arenas. What provision, if any, in the settlement agreement prohibits Microsoft from repeating such an act?

3. As I understand the proposed settlement, Microsoft need only disclose APIs and documentation to middleware developers when Microsoft itself has a competing product. Some critics say this would allow Microsoft to determine the pace of innovation on the desktop by simply deciding not to develop or market competing products until it is ready with its own product—or until it has swallowed up a likely competitor. Allowing Microsoft, in essence, to determine the pace of desktop innovation would not aid the software industry generally, and not benefit consumers. How do you respond to this criticism?

4. A loophole seems to be created by the exception to the requirement of APIs and documentation disclosure. Microsoft is supposed to disclose APIs, documentation, and communications protocols to permit interoperability of middleware and servers with Windows operating systems. But Microsoft does not need to disclose such information if it would, in Microsoft's opinion, compromise the security of various systems, which are very broadly defined. What do you say to the critics who fear that this loophole may swallow the API disclosure requirement?

5. The non-settling states' proposed remedy requires Microsoft to release technical information necessary for middleware to be able to interoperate with Windows as soon as Microsoft gives its own developers that information. The proposed settlement only.

Requires such disclosure when Microsoft puts out a major test version of a new Windows release. Presumably promotion of competition is the animating idea behind this provision, so why did you not insist that other non-Microsoft developers have this information at the same time Microsoft developers did?

6. In 1995 the Department of Justice and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word "integrate" as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the settling plaintiffs should

have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

7. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the settling plaintiffs and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

8. If Microsoft were to disagree with the settling plaintiffs' interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

9. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the settling plaintiffs over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

10. Does the Competitive Impact Statement set forth the settling plaintiffs' definitive interpretation of its proposed Final Judgment with Microsoft?

11. Has Microsoft informed the settling plaintiffs that it has any disagreement with the interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

12. Can the public at large rely upon the Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment?

13. If the public cannot rely on the interpretation of the proposed Final Judgment as set forth in the Competitive Impact Statement, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

1. In your 1997 testimony on the first Microsoft-Department of Justice consent decree, you said that "it seems a bit shortsighted (or perhaps even hysterical) to believe that Microsoft is such a juggernaut that putting extra sand in its saddle bags is justified to even up the odds for the competition." In light of the fact that the Court of Appeals found that Microsoft violated Section 2 of the Sherman Act, abusing its operating system monopoly to the detriment of consumers, do you still believe that it is "hysterical" to inquire into, and seek to end, the company's anticompetitive practices?

2. The Tunney Act requires that Microsoft file with the district court "any and all written or oral communications by or on behalf of [Microsoft]... with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attome3, General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection." You have recently been named as counsel of record; do you believe that this provision requires disclosure of communications by you to the Justice Department prior to the date upon which you became counsel of record? Do you

believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How do you define "concerning or relevant to" the proposed settlement? Do you believe that it covers anything more than the actual negotiations of the decree?

3. Microsoft's retaliation against OEMs that resisted carrying Microsoft's products featured largely in the evidence at trial, and the proposed settlement seems to address the Court of Appeals' holding that such retaliation violated Section 2 of the Sherman Act. While the settlement does state that Microsoft cannot retaliate against an OEM that is supposing a competing operating system or middleware, there is also a "carve-out" to that restriction, which permits Microsoft to provide "consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service." This seems to permit Microsoft to reward OEMs based on whether they carry Microsoft's products or software; this is just the flip side of "retaliation." How is this different from punishing those who fail to accede to Microsoft's demands?

4. Microsoft is given 12 months to come into compliance with this proposed settlement; what tasks must it actually undertake that will require so much time?

5. The proposed settlement agreement provides that Microsoft's disclosure of APIs and documentation for an updated version of Windows in a "timely manner", and "timely manner" seems to be defined as the time at which Microsoft makes the new Windows version available to 150,000 or more beta testers. Does Microsoft routinely send beta test versions to so many testers? When has it done so in the past? Can't Microsoft avoid the disclose provision by simply limiting the number of beta testers?

6. If a PC manufacturer decides that it would like to remove Windows Moviemaker, is that action protected from the ban on retaliation in the proposed settlement? If a representative of a PC manufacturer or a software developer testified before this Committee or before the district court in the on-going states' case, would the settlement ban retaliation against them?

7. Software developers that take advantage of the middleware API disclosure are required by the proposed settlement to cross-license their products back to Microsoft. Presumably this is of great benefit to Microsoft, but how does it fit into remedying the antitrust violations found in court?

8. The provision of the proposed statement addressing the availability of server communications protocols refers to protocols that are "used to interoperate natively, i.e., without the addition of software code to the client operating system product, with a Microsoft server operating system product." I am confused about the meaning of "natively," and the Competitive Impact Statement does not clarify it. As the issue of Microsoft's possible abuses in the server arena are even now before the European Union's antitrust enforcement branch, I am interested to know precisely what your

proposal accomplishes, and whether it addresses the EU's concerns as well.

9. The proposed settlement's prohibition on retaliation against software developers creates an exception from that prohibition for agreements that "are reasonably necessary to and of reasonable scope and duration" in connection with obliging a developer to use, distribute, promote, or develop software for Microsoft. What do you envision that exception to cover, and more importantly, what does it leave within the ban against retaliation?

10. The proposed settlement permits the removal of the Internet Explorer icon, but as I understand it, even if a user chooses to remove Internet Explorer, IE will continue to pop up in MyDocuments, MyMusic, and MyPictures. Is this understanding correct, and if so, how can a User ever be free of Internet Explorer?

11. In 1995 the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word "integrate" as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

12. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

13. If Microsoft and the Department were to disagree about the correct interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

14. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Com-t, rather than through protracted litigation as in the case of the 1995 Consent Decree?

15. Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment? If not, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

16. Does the Competitive Impact Statement accurately reflect Microsoft's interpretation of the proposed Final Judgment?

17. Recognizing that the Department's Competitive Impact Statement cannot address every conceivable issue that may arise in the future concerning the proposed Final Judgment, is there anything stated in the Competitive Impact Statement with which Microsoft disagrees?

18. Has Microsoft informed the Department that it has any disagreement with the Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

19. Does Microsoft disagree with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment?

20. Will you commit on behalf of Microsoft to inform this Committee in writing of each and every statement in the Department's Competitive Impact Statement with which Microsoft disagrees? Will you commit to do so within the next 15 days so that the public can understand what disagreements Microsoft has with the Competitive Impact Statement before the Tunney Act comment period expires?

21. Was there anything in Assistant Attorney General James' testimony before this

22. The Department's Competitive Impact Statement states at page 38 that: "if a Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

23. The Department's Competitive Impact Statement states at page 36 that: "Section III.E. will prevent Microsoft from incorporating into its Windows Operating System Products features or functionality with which its own server software can interoperate, and then refusing to make available information about those features that non-Microsoft servers need in order to have the same opportunities to interoperate with the Windows Operating System Product." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

25. The Department's Competitive Impact Statement states at page 37-38 that: "Because the Communications Protocols must be licensed 'for use' by such third parties, the licensing necessarily must be accompanied by sufficient disclosure to allow licensees fully to utilize all the functionality of each Communications Protocol." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

Questions for Assistant Attorney General Charles A. James

1. One of the principal concerns voiced by critics of the Proposed Settlement is that it lacks an effective enforcement mechanism. These critics suggest that some type of fast-track enforcement mechanism, such as the appointment of a special master, is necessary to ensure compliance. Could you please explain: First, why you believe the enforcement avenues provided for by the Proposed Settlement are sufficient; and,

Second, how you envision effective enforcement actually being carried out in the real world?

2. Because the three-person Technical Counsel created by the Proposed Settlement has no enforcement powers, won't the level of enforcement of the Proposed Settlement depend principally on how proactive the Department and State Attorneys General are in dedicating resources and attention to prompt and effective oversight and enforcement? What resources does the Department plan on committing to enforcement of the Proposed Settlement?

3. In my opening statement, I raised the issue of prompt and effective enforcement in high-technology markets. As the DC Circuit clearly recognized, the passage of time frequently overtakes alleged anticompetitive actions, making them—in the DC Circuit's language—"obsolete" before a remedy is devised and implemented. In your view, what can be done to minimize this problem and ensure that antitrust remedies are developed early enough to provide meaningful relief?

4. Could you explain the pros and cons of having the enforcement function performed by governmental agencies as opposed to a special master or adjudicatory panel of some type?

5. Could you also explain why you oppose—assuming that you do oppose—an alternate or additional enforcement mechanism?

6. As you know, I believe that one important aspect of the Internet is the freedom that consumers have to choose where to go and what websites to visit. Currently, consumers can choose to go to whatever websites they want. Commentators and industry participants argue that there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites while traffic is directed to other sites, or decide that certain sites will be treated differently than other sites in ways that push consumers in the direction of favored sites instead of leaving the choice entirely and fairly to consumers. Who do you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company? Also, could you please explain whether and why you believe this is an important competition policy concern?

7. Some critics claim that the only real penalty Microsoft faces for violating the Proposed Settlement is the extension of the terms of the Settlement for two additional years. Is that an accurate criticism; and, if not, could you please briefly explain the penalties faced by Microsoft if it fails to abide by the Proposed Settlement?

8. Could you please expand on why you believe the Department has sufficient expertise to accurately evaluate the competitive implications of software design and other technical development choices? Additionally, specifically what has the Department done to ensure that it has the expertise necessary to assess at an early stage both the lawfulness and potential anticompetitive effects of highly-technical actions taken by companies such as

Microsoft? Does the Department have a specific plan for allocating resources or personnel to develop the necessary expertise to identify and take effective action while potential antitrust problems are still on the horizon?

9. In his written testimony (pp. 18–19), Mr. Himes of the New York State Attorney General's Office briefly discusses the importance of the Proposed Settlement's definition of "Middleware." The DC Circuit defined middleware very simply as "software products that expose their own APIs [or 'Application Programming Interfaces']" Microsoft, 253 F.3d at 53. Could you explain why the Proposed Settlement adopts a narrower, two-prong definition? Could you also further explain the distribution threshold contained in the definition of "Non-Microsoft Middleware Products," requiring that—to meet the definition—at least one million copies of the Middleware Product have been distributed within the United States during the previous year? Will this threshold provision disadvantage innovation among start-up entrepreneurs or those who develop software for highly-specialized markets as some have criticized? Is there some other way to address the concerns underlying this "one million copy" threshold?

10. I found Mr. Jim Barksdale's letter noteworthy in several respects, but am particularly interested in his claim that the Proposed Settlement would not have prevented Microsoft's unlawful actions against Netscape. Could you please discuss whether the Proposed Settlement would have prevented the actions taken by Microsoft against Netscape that the DC Circuit held to be unlawful had the Proposed Settlement been in existence in 1995, and, if so, how?

Questions for Jay Himes

1. I realize that you support the Proposed Settlement on the basis that it compares favorably to the set of remedies that many predict would have resulted from further litigation. However, setting that aside for the moment, could you tell us what particular merit—if any—you see in the Remedial Proposals filed by the non-settling states?

2. Please expand specifically on the pros and cons of the various proposals for alternative enforcement mechanisms that were considered and rejected in the settlement discussions. In particular could you give us your view of the provision, contained in the non-settling parties' Remedial Proposal, that would provide for a special master?

3. Please explain, from the perspectives of the settling State plaintiffs, whether and how the Proposed Settlement sufficiently protects against Microsoft leveraging its monopoly power in operating systems into the Internet-based services market and the server market?

Questions for Charles F. "Rick" Rule

1. Concerns have been voiced about potential "loopholes" that might be created by ambiguities in various definitions that are fundamental to determining Microsoft's responsibilities under the settlement. Do you agree that the "Competitive Impact Statement" accurately memorializes the spirit and underlying considerations of the

Proposed Settlement agreement; and do you further agree that it should be used as an authoritative interpretive guide in settling disputes about the practical application of the Proposed Settlement?

2. Could you please identify the specific aspects of the Competitive Impact Statement that you believe do not accurately represent Microsoft's understanding of the Proposed Settlement? grad, to the extent you believe that the Competitive Impact Statement is inaccurate, would Microsoft be willing to provide a detailed description of these perceived inaccuracies along with specific language describing Microsoft's understanding of the issue, language, or provision, the accuracy of which Microsoft disputes?

3. In your written testimony (p. 9) you briefly address the Proposed Settlement's prohibition of retaliation by Microsoft against computer makers. You summarize the provision in the settlement stating that "Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in [Microsoft's] Windows operating system." Id. Concerns, however, have been raised regarding perceived limitations on this anti-retaliation provision. Could you explain either why the perceived caveats were included in the anti-retaliation provision as well as why you believe that these perceived caveats do not actually allow Microsoft to engage in substantial retaliation against computer makers?

4. Is it your position that the anti-retaliation provision does in fact prohibit Microsoft from all forms of retaliation against computer software makers that choose to ship software that competes with Microsoft products; and, if not, how do you answer the criticisms that the provision is insufficient to effectively prevent retaliation?

5. Several media sources and commentators have reported that major computer makers—or "OEMs"—such as Hewlett Packard, Compaq, Dell, and Gateway, are heavily dependent on Microsoft, which—some have argued—may explain the lack of vocal opposition by these companies to the Proposed Settlement. With this in mind, how can the Proposed Settlement's substantial reliance on these companies to incorporate software that competes with Microsoft products on the computers they distribute be trusted to result in actual competition in the middleware market?

6. Could you please explain, in detail, what incentives you believe will actually lead OEMs to install software that competes against Microsoft software? Are you aware of particular competing software that OEMs might currently wish to install in favor of similar Microsoft products?

7. With respect to concerns raised regarding the lack of a strong enforcement mechanism in the Proposed Settlement, could you please expand upon the reasons that you believe the Proposed Settlement ensures effective enforcement? Could you also explain your view of how enforcement will occur? Finally, could you explain why—assuming that this is your position—the proposed alternative enforcement

mechanisms are either unnecessary, undesirable, or both?

Questions for Professor Lawrence Lessig

1. In your book, you make the case for keeping the Internet "neutral and open." Could you briefly describe the danger that you foresee, in both a competition and a larger policy context, as consumers migrate to higher capacity connections from our current narrowband connections?

2. One concern I have consistently raised elsewhere, including in merger and monopolization contexts, has been possible limitations being placed on consumer freedom by an access provider, whether an Internet service provider, a cable company, a satellite company, or another Internet access facilitator. If there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites or drive traffic to other specified sites? If so, what do you believe to be the best method of safeguarding and preserving the freedom of the Internet?

3. As you know, on the Internet, anyone can self-publish their music, their artwork, their writings, and those who are interested in those works can have access to them, and neither the creator nor the consumer necessarily need the mediation of a publisher. Works that are important to a few, but cannot make it in a traditional publishing context, have a place for their fans on the Internet. I have said elsewhere that it would be a great shame if the wide-open access available on the Internet were narrowed down in the way the offline world often is. Could you please explain who you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company, and could you explain why this is an important question?

Questions for All Witnesses on Panel III

1. Both commentators and several witnesses (in their written testimony) defend the Proposed Settlement by arguing that its terms are as good as—or even better than—what would have been obtained through further litigation. Several have also pointed out that it would take at least two more years to get a remedy in place by means of litigation. Could you please explain whether and why you believe that further settlement negotiations or litigation would be in the public interest?

2. In light of the number of claims from the original complaint that the DC Circuit found to lack merit, is it reasonable to believe that any judgement resulting from further litigation would be significantly better than the Proposed Settlement?

3. At the hearing, I emphasized the need for prompt antitrust enforcement in quickly-evolving markets. Could you please explain whether and why you believe that the benefits of having an imperfect settlement now are outweighed by those of having a possibly better settlement at some point in the future?

JUDICIARY COMMITTEE HEARING ON MICROSOFT SETTLEMENT

QUESTIONS FROM SENATOR KOHL

Panel I—Charles James

1. Mr. James, a unanimous Court of Appeals held that Microsoft has violated our antitrust laws by illegally maintaining its monopoly. It seems pretty common sense that if we want to fix that violation, the settlement you are advocating should: (1) end the unlawful conduct; (2) avoid a recurrence of the violation; and (3) and undo the anticompetitive consequences of the illegal behavior. Indeed, the Supreme Court has said that we should “den to the defendant the fruits” of its illegal conduct. As you know, when this case was first filed, one of the main problems was that Microsoft’s illegal conduct had nearly driven a competing maker of Internet browsing software—Netscape Navigator—out of business. But today, Microsoft has a greater than 85% share of browsing software. And Netscape is no longer in business as an independent company and no longer is a serious threat as a competing platform.

So I have the following questions: how does this proposed settlement proposal in any way deny Microsoft the gains resulting from its illegal, anti-competitive conduct? Does it do anything, for example, to undo Microsoft’s victory in the “browser wars”?

2. Five years from now do you think it is likely that Microsoft will still have 95% of the operating system market? If so, should this concern us?

3. We are right now in the middle of the holiday shopping season, and millions of Americans are going to the computer stores to buy new computers. When they reach the store, they have a choice of many different machines made by many different computer manufacturers, such as Compaq, Dell, Gateway, IBM, and HP, to name a few. But when it comes to the software that operates the machine they face a very different picture. With the exception of the machines sold by Apple, the consumer has no choice but to buy a computer pre-loaded with Microsoft’s Windows operating system.

Is there anything in the proposed settlement agreement likely to change this picture? Why can’t consumers have the same competitive choices in computer software—specifically operating system software—as they have today with respect to deciding which machine to buy?

4. Critics of the proposed settlement claim it is full of loopholes, and that these loopholes will make it easy for Microsoft to evade its terms. I’d like to focus on one thing critics argue is an unnecessary loophole. The settlement contains an important provision that lets computer makers load certain types of non-Microsoft software on their machines without any fear of retaliation from Microsoft. But Microsoft can retaliate in some instances. For example, only competing software that distributed at least one million copies in the United States in the last year receives protection. No such protection is imposed upon competing software which has distributed less than one million copies.

Commenting on this provision in the Washington Post, James Barksdale, the founder of Netscape, wrote “Anyone who understands the [computer] industry knows this is no protection, for the new inventor will always be steam-rolled by the powerful Microsoft. The dreamers and tinkers whose

better mousetrap has not yet been proved should just close shop. The ultimate losers are the potential consumers of these lost ideas.”

(a) Why is this limitation found in the settlement? Won’t it be difficult for software that has not yet been widely distributed to gain a competitive foothold if Microsoft is not required to allow computer users and manufacturers access to it on the desktop? And why isn’t Mr. Barksdale right—aren’t consumers the losers if Microsoft is permitted to deny such small, start-up software manufacturers access to the computer desktop?

(b) Please give specific examples of “non-Microsoft middleware products” (as defined in the proposed consent decree, section VI.N) that have distributed at least one million copies in the United States in the past year, and examples of those that have not.

(c) What types of research and/or objective methods are used to measure such distribution today? Which studies or objective criteria did you use to set the one million dollar mark?

5. In the proposed consent decree, with respect to current products, the definition of Microsoft Middleware Product is locked into specific products (section VI.K.1 of the Proposed Final Judgment). Where it is prospective, the definition of Microsoft Middleware Product allows Microsoft to avoid its reach if it does not satisfy all of the elements of the definition (found in section VI.K.2).

(a) Why do you believe this definition is sufficient to restore competition in the middleware market?

(b) Why is the definition of middleware in the proposed consent decree different from the one used by the DC Circuit Court of Appeals, or the one used by Judge Jackson in his interim remedy?

(c) Why is MSN Explorer excluded from the current products that constitute Microsoft Middleware Products in section VI.K.1 of the Proposed Final Judgment?

6. Many believe Microsoft is using its operating system monopoly to gain dominance in other types of software products. For example, five years ago, Microsoft had only about a 20% market share in Internet browsing software. Today it has an 86% share. Five years ago, Microsoft had 43% share in word processing software. Today Microsoft Word software has a 94% market share.

What provisions in the settlement will prevent Microsoft from gaining dominant market shares in new software products, just as it has with respect to other types of software?

7(a). Mr. James, if this settlement is adequate to restore competition and remedy Microsoft’s illegal conduct, why have nine state attorneys general who initially joined the Justice Department in suing Microsoft refused to sign on to the settlement but have instead proposed their own settlement?

(b) Are you willing to consider modifications to the proposed settlement in order to secure the consent of additional state attorneys general? If so, what modifications would you consider?

8. The proposed consent decree lasts for only five years (unless a Court finds

Microsoft has engaged in systematic violations of the decree, in which case it is extended for another two years).

(a) Can you inform me in which past monopoly cases brought by the government where a violation of Section 2 of the Sherman Act has been found, the federal courts have limited their conduct remedies against the monopolist to only five years?

(b) Why have you limited the remedy to five years in this case? How can we be sure that the five year term of the settlement is sufficient to restore competition to this market?

(c) Why do the restraints on Microsoft’s conduct in some instances take as long as one year to go into effect?

(d) How likely do you think software developers will be to develop new products based on a decree that will protect them for only five years?

(e) Will you commit initiating new investigations and, if necessary, new court proceedings, if Microsoft behaves in an anti-competitive manner in the future?

Panel II

For Rick Rule

1. Mr. Rule, in the past your client Microsoft has been adamant in denying it was a monopolist—despite its 95% share of computer operating systems—and that it in any way violated the antitrust laws. Now, the unanimous DC Circuit Court of Appeals has ruled that Microsoft indeed is a monopolist and indeed acted illegally to maintain its monopoly. Will this ruling—and Microsoft’s experience in this litigation—in any way chasten Microsoft into behaving more responsibly? Is Microsoft now willing to recognize that it is a monopolist and, as a result, has obligations to deal with competing businesses in a way that would not exist if did not have monopoly power in its business?

2. Please identify for us five specific ways in which the proposed settlement, once it is in force, will compel Microsoft to change its business practices in a manner which will benefit consumers.

3. The proposed consent decree contains prohibitions on Microsoft retaliating against computer makers who choose to install in their machine software products that compete with software made by Microsoft. But many wonder if Microsoft will be able to offer financial incentives to accomplish essentially the same thing. For example, could Microsoft offer to pay incentive amounts to computer makers who feature or promote Microsoft software on their machines?

4. One important issue the settlement was intended to address was Microsoft’s ability to penalize computer makers that load non-Microsoft software onto their machines. Under the settlement, can Microsoft still bar a computer maker from putting WordPerfect word processing software or Quicken financial software pre-installed on their machine? If so, why isn’t Microsoft’s ability to place such restrictions on computer makers a problem for competition?

For Jay Himes

Mr. Himes, as you know, nine of your fellow states that originally joined you and

the federal government in suing Microsoft have refused to consent to this settlement, and, just last Friday, proposed additional remedies. Why did these other states split ranks with you and the federal government? Would you be willing to consider modifications to this proposed settlement in order to gain their assent?

Panel III

For Lawrence Lessig

1. Professor Lessig, do you believe this settlement is adequate to restore competition in the computer software industry.? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

For Mark Cooper

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

For Michael Szulik

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft

software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

4. Mr. Szulik, your company, Red Hat, makes a competing operating system, Linux. Will this settlement make it easier for you to compete with Microsoft? If so, how?

For Mitchell Kertzman

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation? Won't this provision make it difficult for small or start-up software manufacturers that make software that competes with Microsoft's products to gain access to the computer desktop?

For Jonathan Zuck

1. Do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

(b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned about this limitation?

4. Mr. Zuck, your organization, which is one of several trade associations representing smaller software manufacturers, has been generally supportive of this settlement, while other competitive software manufacturers have been very critical. Why doesn't your organization share the concerns of many other smaller software manufacturers?

5. Explain the principal ways this settlement will bring more competition to the software market.

"The Microsoft Settlement: A Look To The Future"

Senator DeWine

Questions To Witnesses

I. Senator DeWine's Questions for The Honorable Charles James, Assistant Attorney General for the Antitrust Division:

1. The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. The Department has suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

2. As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to "unfetter a market from anticompetitive conduct," "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future." Do you believe that this is the appropriate standard to use? If so, do you believe the proposed final judgment denies Microsoft the fruits of its illegal acts? Specifically, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system?

3. The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place competing software on their computers-these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to "boot up" quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they will risk losing the incentive payment. Does the proposed settlement deal with this problem?

4. The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially "superior" new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

5. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they "know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, should we be

concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

6. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of M1 antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

7. Nine states didn't join with the Department of Justice's proposed final judgment because they didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

8. Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's ability to capture a dominant share of any product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

9. Many have criticized the proposed final judgment saying it has loopholes in it that will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to "agreements" between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers?

10. The Court of Appeals ruled that Microsoft's practices which undermined the competitive threat of Sun's Java technology was an antitrust violation. The remedy proposed by the states that do not support the DOJ's proposed settlement would require Microsoft to distribute Java with its browser as a means of restoring Java's position in the market. Do you believe this would be beneficial to competition? What does the DOJ's proposed settlement do to restore this competition?

11. Definition U. of the Proposed Final Judgment appears to allow Microsoft to determine in its sole discretion what constitutes the operating system. The Court

of Appeals left open the possibility of a tying case against Microsoft. Will this provision essentially foreclose any opportunity of bringing a tying claim against Microsoft? Why do you give Microsoft the ability to make this determination?

12. Many antitrust cases involve the appointment of a special master who has some level of enforcement authority. This proposed final judgement does not do that and instead relies primarily upon standard civil and criminal contempt proceedings, as well as a special three person panel. Why has the Division elected not to appoint a special master that may speed effective enforcement, especially given the Division's concern for how rapidly this market changes?

13. The Department of Justice has indicated that one motivation for entering into this settlement was to provide immediate relief and avoid lengthy court proceedings. At the same time, many of the provision of the settlement don't become active for up to 12 months after the settlement is enacted. Given your belief that relief should be immediate, why wait so long for these provisions to become active?

14. One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, it appears that Ill.H. of the Stipulation and VI.N. indicate that for a product to qualify for these protections it must have had a million copies distributed in the United States within the previous .ear. This seems to run contrary to the traditional antitrust philosophy of promoting new competition. Is this in fact the case? And if so, why are these protections limited to larger competitors?

Senator DeWine's Questions for Jay Himes, Antitrust Bureau Chief, Office of the Attorney General, New York

1. The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. It has been suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

2. As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to "unfetter a market from anticompetitive conduct," "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future." Do you believe that this is the appropriate standard to use? If so, does the proposed final judgment deny Microsoft the fruits of its illegal acts? Specifically, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system?

3. The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place

competing software on their computers-these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to "boot up" quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they will risk losing the incentive payment. Does the proposed settlement deal with this problem?

4. The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially "superior" new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

5. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters "competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

6. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

7. Nine states didn't join with the Department of Justice's proposed final judgment because they didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

8. Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's

ability to capture a dominant share of any product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

9. Many have criticized the proposed final judgment saying it has loopholes in that it will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to "agreements" between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers?

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Senator DeWine's Questions for Charles F. Rule, Fried, Frank, Harris, Shriver & Jacobson, Counsel to Microsoft Corporation, Washington, DC

1. Mr. Rule, in your testimony you have gone to great length to explain how certain portions of the government's case were

dropped or thrown out during the course of litigation. Does Microsoft acknowledge that it violated the antitrust laws?

2. Mr. Rule, many within the high tech industry have argued that the antitrust laws are overly cumbersome when it comes to promoting competition within the fast-changing industry. Is this Microsoft's position?

3. Mr. Rule, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what ways is it deficient? And in what ways, if any, do you believe it reaches beyond the case?

4. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. It seems to me that this deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

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IV. Senator DeWine's Questions for Professor Lawrence Lessig, Esq., Stanford Law School

1. Mr. Lessig, you stated in your testimony that an appropriate remedy should try and steer Microsoft toward developing its strategy in regards to the Internet. First, why wouldn't such an objective fall outside the clear confines of the case and thus be an inappropriate goal for a remedy? And second, given the fact that a court found Microsoft to have engaged in significant violations of the antitrust laws, should we be concerned about the company attempting to leverage its operating system monopoly to become dominant at the Internet level?

2. Mr. Lessig, you stated in your testimony that an integral part of the Court's conclusion was its finding that Microsoft had "commingled code" in such a way as to interfere with the ability of competitors to compete on an even playing field. Do you

believe the Justice Department's proposed final judgment adequately deals with this anticompetitive conduct?

3. Mr. Lessig, you mention that there are problems with the proposed decree aside from enforcement. What are some of the other areas of concern?

4. Mr. Lessig, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what way is it deficient?

V. Senator DeWine's Questions For Mark N. Cooper, Ph.D., Director of Research, Consumer Federation of America

1. Mr. Cooper, many have stated that the alternative proposed remedies presented by the litigating states are not justifiable based on the conduct that the Appellate court found to be illegal. Do you agree? If not, how do you believe provisions such as requiring Microsoft to open source its browser code and provide multiple versions of its operating system relate to the conduct that was found to have been illegal?

VI. Senator DeWine's Questions For Jonathan Zuck, President, Association of Competitive Technology

1. This case has obviously been very controversial and inspired a great deal of discussion regarding the effectiveness of the antitrust laws, especially within the hi-tech industry. Netscape, for example, vocally opposed Microsoft during this litigation, and many of Netscape's complaints were validated by the courts, and yet Netscape has essentially been defeated. That sort of result has led some to question whether the antitrust laws can be effective in this industry. What lesson do you believe this case teaches in that regard, and what do we say to Netscape?

2. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code? Further, what assurances can you give to this Committee that members of your organization will not merely choose to write to the Microsoft middleware, but will fully support competing products as well?

Senator DeWine's Questions For Matthew J. Szulik, President and Chief Operating Officer, Red Hat, Inc.

1. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, software developers may be more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

2. What impact do you believe the Proposed Final Judgment will have on the ability of competing operating systems, such as Linux, to gain traction in the market? Contrast this with the impact you believe a settlement proposal such as that offered by the litigating states would have.

VIII. Senator De Wine's Questions For Mitchell E. Kertzman, President and CEO, Liberate Technologies

1. The Proposed Final Judgment aims to make the middleware market more competitive. Do you believe it is effective in doing so?

2. Do you believe Microsoft will be able to leverage its monopoly in the PC operating system market to capture market share in other operating systems markets such as hand-held devices, navigation devices and servers? Does the proposed settlement address this issue at all, and do you believe the Appellate Court's ruling would permit a settlement that addresses these type of concerns?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO THE DEPARTMENT OF JUSTICE

I understand that the Justice Department officials, representatives of State Attorneys General, and Microsoft lawyers worked around the clock to come to an agreement on this settlement.

A. How many meetings were there on the settlement?

B. Were the states sufficiently involved in the process?

C. Was there anyone in the room during those negotiations who was not affiliated with the parties to the litigation who may have been able to bring another perspective on the terms of the agreement?

Now that we are in the 60 day period of the Tunney Act proceeding to determine the public interest aspects of this settlement, what, if any, role do you envision Congress should play?

Microsoft is about to settle with about half the states who joined in the original DOJ lawsuit, but the other half of the states are

continuing with the court-issued remedies phase of the litigation. Naturally, there may be differences in the remedies in the two different vehicles for closing out this case. How will you reconcile the potential differences between the terms of the settlement accepted by the nine settling state plaintiffs and the remedies to be awarded to the ten non-settling state plaintiffs?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO MICROSOFT

This is an unprecedented settlement for an unprecedented case. The entire world has been, and will continue to, watch every aspect of this case. They will also be watching to see if Microsoft complies with every word of this decree. Assuming this settlement is approved, can you outline the steps that will be taken to ensure compliance with the settlement? Are these steps unique in any way?

What assurances can the American people have that Microsoft will really be constrained from future anti-competitive practices?

QUESTIONS OF SENATOR RICHARD J. DURBIN TO CONSUMER FEDERATION OF AMERICA

In your mind, what are the most significant shortcomings of this settlement? What will this settlement enable Microsoft to do that you believe they should be prevented from doing?

Our economy is currently in a recession and our country is at war. What are the compelling reasons for continuing this litigation against Microsoft rather than finding a way to settle?

States that are continuing to pursue litigation want Microsoft to disclose source code for Web browsing functionality now in Windows. This would turn Microsoft's intellectual property into "open-source."

A. What are the ramifications to Microsoft and to its competitors if Microsoft is forced to subject its intellectual property to an open-source standard?

g. In the future, what should competitors expect from companies that establish dominance in the technology marketplace?

Questions Submitted For the Record by Senator McConnell for Witness Charles James on The Microsoft Settlement

Senate Committee on the Judiciary Hearing
Wednesday, December 12, 2001
10:00 a.m.

106 Dirksen Senate Office Building
Question: Can you describe how the appeals court ruling impacted the case originally brought by the Department of Justice in 1998?

Question: Can you tell us more about how this agreement came about, or the process involved in reaching a settlement?

Question: Some have criticized the agreement for not going far enough. Do you believe that the proposed settlement compares favorably to-and in some respects may well exceed-the remedy that might have emerged from a judicial hearing?

Question: This litigation has been going on for almost 4 years. Will this settlement accelerate the point in time at which a remedy will begin to take effect?

Question: Assuming the settlement is approved by the court, can you outline the

steps that will be taken to ensure compliance with the settlement?

Question: Are you aware of this type of enforcement mechanism being adopted in any other antitrust proceeding?

U.S. Department of Justice
Office of Legislative Affairs
Office of the Assistant Attorney General
January 24, 2002

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed the answers to the written follow-up questions posed to Assistant Attorney General Charles James following his testimony before your Committee on December 12, 2001, on "The Microsoft Settlement: A Look to the Future." The Department appreciates the opportunity to provide its views to the Committee on this important topic.

Of course, please do not hesitate to contact us if we can be of any assistance on this or any other matter.

Sincerely,
Daniel J. Bryant
Assistant Attorney General
The Honorable Orrin G. Hatch
Ranking Minority Member

CHAIRMAN LEAHY'S QUESTIONS
QUESTION

Jim Barksdale, the former CEO of Netscape, tells us in a written submission that if the proposed settlement had governed Microsoft's behavior ten years ago, he would never have been able to obtain the venture capital to launch Netscape and, even if it did, Microsoft would have been able to crush the company. It is harsh criticism of the proposed settlement that it would have made no difference and that it would allow Microsoft to engage in the same exclusionary practices that extinguished Netscape and crippled Java. Do you think that this criticism is fair and, if not, why?

ANSWER

The Department disagrees with Mr. Barksdale's criticism. The essence of the criticism is that the prospects facing start-up firms promoting new software products would be greater if such companies could be guaranteed that they would not face competition from Microsoft. Creating such an environment, however, is not one of the goals of public enforcement of the antitrust laws.

More directly, Mr. Barksdale complains that the proposed Final Judgment fails to stop Microsoft from integrating new functions and capabilities into the Windows operating system. The Department challenged Microsoft's integration of its browser into the operating system in its attempted monopolization and tying claims, neither of which was sustained by the Court. Contrary to Mr. Barksdale's view, the proposed Final Judgment does not create any new rights for Microsoft with regard to product integration. The proposed Final Judgment merely reflects the fact that, in light of the Court's ruling, there is no legal basis for enjoining Microsoft altogether from integrating middleware into its operating system, if that middleware is

removable and computer manufacturers and consumers are contractually free to remove it, as a remedy for the violations found in the case. Microsoft remains subject to the antitrust laws with respect to tying and in every other respect.

Mr. Barksdale also makes the curious assertion that Netscape would have fared better without the proposed Final Judgment than with it. The proposed Final Judgment expressly prohibits the very practices Microsoft deployed to impede the emergence of Netscape's Web browser. Thus, had the decree been in effect, Netscape would have had access to Microsoft's APIs in the development process, been able to obtain distribution through computer manufacturers, and been able to become the default browser if a computer manufacturer or consumer elected to use Netscape in that way. Other firms in the industry would have been free to collaborate with Netscape without fear of retaliation by Microsoft.

Most fundamentally, Mr. Barksdale apparently believes that Microsoft should be altogether prohibited from competing with start-up firms like his former company. The Courts found that Microsoft engaged in specific practices that were unlawful under the antitrust laws. The proposed Final Judgment prohibits those unlawful acts, contains specific prohibitions to prevent their recurrence, and takes affirmative steps to restore the competitive conditions in the middleware marketplace. Consumers benefit from competition. The goal of the antitrust laws, therefore, is to protect competition, not to favor start-up firms over incumbents.

QUESTION

The remedy filed by the non-settling States would require that the agreement be enforced by a court-appointed special master with the authority to monitor Microsoft's complaints, and with the power to investigate, call witnesses, and conduct hearings if the company appears to have violated the agreement. Your proposed settlement provides for a three-member panel paid for by Microsoft that can listen to and investigate complaints, but which lacks the independent authority to convene hearings and examine witnesses. This panel must turn to the Justice Department for any such activity, and its members may not offer testimony themselves in any proceeding. Although the three member panel might be helpful in gathering some information, in terms of actual enforcement, the Justice Department will have to start from scratch with any action. In light of the fact that everyone agrees that this is a rapidly-moving industry, the inherent delays in such a process seem more likely to hamper than to enhance Microsoft's compliance with the decree. Why did you decide to create this unique and limited panel, rather than a more traditional special master?

ANSWER

The Department believes that this and other Department antitrust final judgments can and should be enforced by the Department. Contrary to the assumption underlying this question, there is no history or tradition of the Department delegating enforcement responsibility for its antitrust

enforcement orders to third parties. Moreover, the Department believes that delegating enforcement authority to a special master in this particular case would have been misguided, possibly resulting in that individual becoming a one-person regulatory body, exercising de facto regulatory control over a broad range of behavior and conduct in the information technology sector, and setting antitrust enforcement policy in the process.

The proposed Final Judgment ensures that the full force of the United States is available to enforce the judgment. The three-person compliance team was never intended to displace that enforcement authority. Rather, it is intended to facilitate enforcement through regular access to information and an affirmative obligation to report violations to the Department. Should the Department seek an enforcement action against Microsoft, it will not have to "start from scratch." The Department is not precluded from utilizing, relying on, or making derivative use of, the technical committee's work product, findings or recommendations in connection with any activities relating to enforcement of the proposed Final Judgment.

Assuming that a special master would be required to afford individuals appropriate procedural protections and that its determinations would be subject to judicial review, the Department does not see any basis for assuming that enforcement by a special master would be more expeditious than enforcement by the Department. In fact, the Department believes that the very opposite would be true.

QUESTION

The Court of Appeals specifically, held—twice—that commingling the browser and operating system code violated section 2 of the Sherman Act. Yet, the proposed settlement contains no prohibition on commingling code. In your testimony before the Committee, you explained that the Department had never taken the position that Microsoft should be required to remove code from the operating system, and that the proposed settlement is thus consistent with a long-standing position of the Department. That explanation appears to neglect two things: First, the settlement is forward-looking, and second, the court's determination that commingling code was an exclusionary act. Taken together, these facts suggest that a ban on future exclusionary commingling of code is entirely consistent with the Department's position, would provide appropriate relief for the violation found, and would help prevent its recurrence. Do you agree that such a ban on future exclusionary commingling would comport with the Court of Appeals decision? Did you consider such a ban? Do you agree that such a ban on future exclusionary commingling would provide appropriate relief for the violation found, and would help prevent its recurrence?

ANSWER

The Department challenged Microsoft's practice of commingling operating system and browser code for the purpose of preventing the removal of its browser. The proposed Final Judgment fully addresses this

conduct by requiring Microsoft to create and maintain an effective add/remove function for certain Microsoft middleware and to permit competing middleware to take on a "default" status that will override middleware functions Microsoft has integrated into the operating system. The provisions, therefore, will stop the offending conduct and prevent its recurrence.

Consistently throughout its discussion of the remedy in this case, the Department has maintained that it did not seek to require Microsoft to remove the commingled code. The Department does not read the Court of Appeals' decision to state an affirmative rule of software design prohibiting all future commingling divorced from any adverse effect on competition. As the Court of Appeals noted, it is the use of the middleware product by the consumer, not the presence of the code, that has competitive significance. A ban on commingling without regard to competitive significance would impose a wholly unnecessary and artificial constraint on software design that could have adverse implications for consumers. Additionally, changes to the operating system required to implement such a prohibition likely would have adverse effects upon third parties that have already designed software to the present operating system code. A prohibition on commingling in this particular case, therefore, would be harmful, not helpful.

QUESTION

There has never been a Tunney Act proceeding after litigation through the court of appeals before. In the first Microsoft-Department of Justice Tunney Act proceeding in 1994, the court suggested that great deference should be given to the appellate court's findings. Do you believe that the Court of Appeals' decision provides useful input to the definition of "public interest" in this unique context?

ANSWER

The Department strictly adhered to the mandates within the Court of Appeals' decision in fashioning the remedy contained within the proposed Final Judgment. Beyond the Department's position set forth in its submissions to the District Court in this matter, however, it would be inappropriate for the Department to comment on the appropriate scope of the Court's discretion because the Court's review of the proposed Final Judgment is pending under the Tunney Act.

QUESTION

5(a).

As I mentioned at the Committee's hearing, in describing your settlement, Fortune magazine said "Even the loopholes have loopholes." The settlement limits the types of retaliation Microsoft may take against PC manufacturers that want to carry or promote non-Microsoft software. By implication the settlement appears to give a green light to other types of retaliation. You responded to my question about retaliation by saying that the settlement would permit collaboration generally approved in the antitrust case law. Please clarify the Department's position a little further. Why does the settlement not ban all types of retaliation?

ANSWER

The term "retaliation" can be subject to overbroad interpretation in many contexts, including an antitrust final judgment. Literally, the term could be read to mean the withholding of any benefit in response to an undesired action. In a commercial context, a firm might be said to have "retaliated" against a prospective customer or supplier through any adverse action whether or not their interaction has any competitive significance. For example, if Microsoft decided for valid business reasons that it no longer wanted to engage in a particular business transaction, it could be accused of retaliating. To give the term retaliation meaning in the context of this proposed Final Judgment, reference must be made to the offending conduct, i.e., actions taken against firms seeking to develop, promote or distribute competing middleware.

To amplify upon my answer at the hearing, the proposed Final Judgment does not, and should not, prohibit Microsoft from engaging in all forms of collaborative conduct. Such a prohibition would be anticompetitive to the extent that some forms of collaboration Microsoft might engage in would help in the creation or distribution of new products for the benefit of consumers. The proposed Final Judgment prohibits Microsoft from withholding benefits from those who support competing middleware products, while permitting the company to grant benefits specifically in the context of bona fide collaborative ventures under well-established antitrust standards (which necessarily means "withholding" those same "benefits" from companies not engaged in the particular bona fide collaborative venture).

QUESTION

5(b)

The settlement requires Microsoft to treat PC manufacturers the same in some respects but in other important respects Microsoft is allowed to treat PC manufacturers differently. What are the ways in which Microsoft can treat differently PC manufacturers that carry competing software compared to those that agree to carry Microsoft products exclusively?

ANSWER

Neither the antitrust laws generally, nor the Court of Appeals' decision specifically, require that Microsoft, even as a monopolist, treat all third-parties equally. In fact, in many instances "unequal" treatment (e.g., collaboration between two companies that does not include other firms) evidences legitimate competition. Thus, the Department carefully crafted the proposed Final Judgment to ensure that it addresses the conduct found unlawful by the Court of Appeals without precluding conduct with potentially procompetitive effects.

Section III.A. contains a broad ban on retaliation by Microsoft against computer manufacturers because they support competing middleware or operating system products. Microsoft is, however, permitted to provide consideration to a computer manufacturer for a particular Microsoft product or service where such consideration is commensurate with the level or amount of the computer manufacturer's development,

distribution, promotion or licensing of that specific product or service. Thus, Microsoft can base such consideration only on the absolute level or amount of the computer manufacturer's support for the Microsoft product or service, rather than any relative level or amount that may serve to exclude rivals' products. Section III.G 1. prohibits Microsoft from granting computer manufacturers and certain others consideration on the condition that they distribute, promote, use, or support exclusively or in a fixed percentage any Microsoft middleware or operating system. However, Microsoft is permitted to use fixed percentage arrangements where it is commercially practicable for the computer manufacturer or other entity to provide equal or greater support for software that competes with Microsoft's middleware or operating system. In addition, Microsoft may enter into bona fide joint ventures or joint development or joint services, i.e., arrangements with computer manufacturers and others for a new product, technology or service, in which both Microsoft and the computer manufacturer or other entity contribute significant developer or other resources, that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time.

QUESTION

You referred at the hearing to the fact that the settlement would permit certain collaborative conduct between Microsoft and others. Please explain in detail what Types of collaboration are permitted by the decree, and what types are forbidden.

ANSWER

It would be inappropriate for the Department to comment on the ability of Microsoft to engage in specific, hypothetical collaborations. More generally, however, in addition to the forms of collaboration described in response to question 5.(b). above, Section III.F. of the proposed Final Judgment prohibits Microsoft from entering into agreements with software vendors that condition the grant of any consideration on the vendor refraining from developing, using, distributing, or promoting a software that competes with Microsoft's middleware or operating system or any software that runs on any software that competes with Microsoft's middleware or operating system. However, Microsoft may enter into agreements that place limitations on a software vendor's development, use, distribution, or promotion of any such software if those limitations are reasonably necessary to, and of reasonable scope and duration in relation to, a bona fide contractual obligation of the vendor to use, distribute, or promote any Microsoft software or to develop software for, or in conjunction with, Microsoft.

QUESTION

Among the exceptions in the proposed settlement to the bans on retaliation, Microsoft is permitted to provide "consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or

licensing of that Microsoft product or service." This seems to permit Microsoft to reward OEMs based on whether they carry, Microsoft's products or software; this is just the flip side of "retaliation." How is this different from punishing those who fail to accede to Microsoft's demands?

ANSWER

Nothing in the antitrust laws generally or the Court of Appeals' decision specifically requires that Microsoft be prohibited from competing in the market by working with computer manufacturers to promote its products and services. Indeed, it is hard to imagine how any such prohibition would benefit consumers. Instead, the proposed Final Judgment addresses that conduct found unlawful by the Court of Appeals and permits conduct that has potentially procompetitive effects. Allowing Microsoft to provide consideration based on a relative level or amount of support may serve to exclude rivals' middleware products and, thus, is prohibited under the proposed Final Judgment. Whereas, allowing consideration based on the absolute level or amount of the computer manufacturer's support permits bona fide collaborations that may benefit consumers and are unlikely to exclude rivals. Thus, the proposed Final Judgment does not prohibit this conduct.

QUESTION

In 1995, the Department and Microsoft entered into a Consent Decree. Two years later the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word "integrate" as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this Final Judgment before it is entered?

ANSWER

The Department's goal was to reach as clear a settlement agreement as possible in this case. The proposed Final Judgment embodies the common, explicit understanding as to the settlement terms among the Department, the settling States and Microsoft.

QUESTION

Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

ANSWER

The Department's goal is to make final judgments as precise and unambiguous as possible. The mutual understanding among the Department, the settling States and Microsoft in this case is embodied in the proposed Final Judgment.

QUESTION

If Microsoft were to disagree with the Department's interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

ANSWER

Whether or not Microsoft's interpretation of one or more provisions of the proposed Final Judgment would be a serious problem would depend on the specific nature of the disagreement and the provisions of the Final Judgment that were implicated, among other things. It would be inappropriate for the Department to speculate on the seriousness of a hypothetical disagreement.

QUESTION

Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

ANSWER

The proposed Final Judgment embodies the complete agreement between the Department and Microsoft. The proposed Final Judgment in this case was entered through the standard procedures under which the Department settles antitrust cases. It is hard to imagine a mechanism under which understandings reached outside of those procedures would be enforceable.

QUESTION

Does the Competitive Impact Statement set forth the Department's definitive interpretation of its proposed Final Judgment with Microsoft?

ANSWER

The Tunney Act establishes the requirements for a Competitive Impact Statement. Pursuant to the Act, 15 U.S.C. § 16, a Competitive Impact Statement provides:

- (1) the nature and purpose of the proceeding;
- (2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;
- (3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief,
- (4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding;
- (5) a description of the procedures available for modification of such proposal; and
- (6) a description and evaluation of alternatives to such proposal actually considered by the United States.

QUESTION

Has Microsoft informed the Department that it has any disagreement with the

Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

ANSWER

The Department is unaware of any disagreement that Microsoft may have with the Competitive Impact Statement.

QUESTION

Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment?

ANSWER

As explained in response to Question 10 above, the Tunney Act establishes the requirements for a Competitive Impact Statement. Pursuant to the Act, 15 U.S.C. § 16, the Competitive Impact Statement provides the public and others with:

- (1) the nature and purpose of the proceeding;
- (2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;
- (3) an explanation of the proposal for a consent judgment, including an explanation of any unusual circumstances giving rise to such proposal or any provision contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief,
- (4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that such proposal for the consent judgment is entered in such proceeding;
- (5) a description of the procedures available for modification of such proposal; and
- (6) a description and evaluation of alternatives to such proposal actually considered by the United States.

QUESTION

If the public cannot rely on the Department's interpretation of the proposed Final Judgment as set forth in the Competitive Impact Statement, then what is the mutually understood and agreed-upon interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

ANSWER

The proposed Final Judgment itself embodies the mutually understood and agreed-upon settlement agreement among the Department, the settling States and Microsoft.

QUESTION

The Tunney Act requires that Microsoft file with the district court "any and all written or oral communications by or on behalf of [Microsoft]...with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection." Microsoft has recently made its filing, and many have been surprised by its brevity. Do you believe that this provision requires disclosure of communications by

Charles Rule to the Justice Department prior to the date upon which he became counsel of record? Do you believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How does the Department define "concerning or relevant to" the proposed settlement? Is that definition consistent across all Tunney Act proceedings? Do you believe that it covers anything more than the actual negotiations of the decree?

ANSWER

Pursuant to 15 U.S.C. § 16(g), defendants must file a description of specified communications relating to the proposed settlement. These filings are made to the district court and are not evaluated or reviewed by the Department. It would be inappropriate in this case for the Department to comment on Microsoft's 16(g) filing or interpret the requirements of the Tunney Act as they relate to its obligations.

SENATOR HATCH'S QUESTIONS

QUESTION

One of the principal concerns voiced by critics of the Proposed Settlement is that it lacks an effective enforcement mechanism. These critics suggest that some type of fast-track enforcement mechanism, such as the appointment of a special master, is necessary, to ensure compliance. Could you please explain: First, why you believe the enforcement avenues provided for by the Proposed Settlement are sufficient; and, Second, how you envision effective enforcement actually being carried out in the real world?

ANSWER

The proposed Final Judgment contains one of the most stringent regimes of compliance ever contained in a final judgment entered by the Department. The proposed Final Judgment provides, as it should, for direct enforcement by the Department, supplemented by full-time, on-site monitoring by an expert compliance team, and a further penalty in the event of recurring violations. The Department believes that it has the resources, expertise, and, most importantly, the expert knowledge of the antitrust laws and the public interest focus to fully enforce the Final Judgment. Further, the Department sees no basis for the assertion that enforcement by a special master would be any more efficient, expeditious or effective than enforcement by the Department.

A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft's compliance with the Final Judgment and take any necessary, action, up to and including initiating contempt proceedings, to ensure effective enforcement.

QUESTION

Because the three-person Technical Counsel created by the Proposed Settlement has no enforcement powers, won't the level

of enforcement of the Proposed Settlement depend principally on how proactive the Department and State Attorneys General are in dedicating resources and attention to prompt and effective oversight and enforcement? What resources does the Department plan on committing to enforcement of the Proposed Settlement?

ANSWER

The Department believes that it should enforce the remedial orders entered in the cases it has prosecuted. We further believe that the Court is the appropriate forum in which to air disputes concerning enforcement of the Court's order. The Department does not delegate its enforcement responsibilities in antitrust matters to third parties. We, therefore, specifically rejected the notion of granting enforcement authority to the technical committee that would have supplanted the enforcement power of the United States. The proposed Final Judgment will be enforced by the skilled men and women of the Department's Antitrust Division. We are very proud of the work performed by the Division staff on this case, who worked tirelessly to secure the liability determinations upon which the proposed Final Judgment is premised. We, therefore, adamantly reject any assertion that the staff is not up to the task of enforcing this proposed Final Judgment. A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft's compliance with the Final Judgment and take any necessary action, up to and including initiating contempt proceedings, to ensure effective enforcement.

QUESTION

In my opening statement, I raised the issue of prompt and effective enforcement in high-technology markets. As the DC Circuit clearly recognized, the passage of time frequently overtakes alleged anticompetitive actions, making them—in the DC Circuit's language—"obsolete" before a remedy is devised and implemented. In "our view, what can be done to minimize this problem and ensure that antitrust remedies are developed early enough to provide meaningful relief?

ANSWER

The Department believes that the current antitrust laws are sufficient to guarantee not only competition, but timely, enforcement in high-tech areas, such as the software industry.

QUESTION

Could you explain the pros and cons of having the enforcement function performed by governmental agencies as opposed to a special master or adjudicator) panel of some type?

ANSWER

The Department believes that it should enforce the remedial orders entered in the cases it has prosecuted. The Department does

not delegate that function to third parties in antitrust matters and believes that departing from that well-established policy would be particularly troublesome in this case. The Department has the necessary, resources, expertise and enforcement authority to carry out this function, just as it has in countless other cases. Moreover, the Department has the expert knowledge of the antitrust laws and the public interest focus required for this task. The proposed Final Judgment covers a broad range of competitive interaction between Microsoft and firms at every, level of the information technology industry. As is evident already, many in the industry see Microsoft's liability as a basis for demanding all manner of private rights, whether or not their demands have anything to do with the matters litigated in the case. Delegating actual enforcement power to any third party in this case would have been misguided, possibly resulting in that individual becoming a de facto regulatory body, exercising broad control over the information technology sector, and doing so without the legal framework that ordinarily would be imposed upon such a scheme. The Microsoft case is a public law enforcement matter. The Department believes that enforcement of the proposed Final Judgment should rest with the public agency charged with that function. The Department also has complete confidence in the Court to act expeditiously and to enter orders enforcing the proposed Final Judgment as appropriate.

QUESTION

Could you also explain why you oppose—assuming that you do oppose—an alternate or additional enforcement mechanism?

ANSWER

The enforcement mechanism contained in the proposed Final Judgment will effectively ensure Microsoft's timely compliance with the judgment. An alternate or additional enforcement mechanism is unnecessary.

QUESTION

As you know, I believe that one important aspect of the Internet is the freedom that consumers have to choose where to go and what websites to visit. Currently, consumers can choose to go to whatever websites they want. Commentators and industry participants argue that there is a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites while traffic is directed to other sites, or decide that certain sites will be treated differently than other sites in ways that push consumers in the direction of favored sites instead of leaving the choice entirely and fairly to consumers. Who do you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company? Also, could you please explain whether and why you believe this is an important competition policy concern?

ANSWER

The mission of the Department is to enforce the federal antitrust laws. The Department would evaluate any conduct by firms in the computer industry, including Internet mediators, that harms consumers

and may violate the antitrust laws. The Department does not, however, have a view in the abstract as to who should decide where a consumer can go online.

QUESTION

Some critics claim that the only real penalty Microsoft faces for violating the Proposed Settlement is the extension of the terms of the Settlement for two additional years. Is that an accurate criticism; and, if not, could you please briefly explain the penalties faced by Microsoft if it fails to abide by the Proposed Settlement?

ANSWER

The Department fundamentally disagrees with this criticism. In addition to seeking the penalty of extending the proposed Final Judgment term for an additional two years, the Department has all of the enforcement powers available to it under federal law, including criminal or civil contempt proceedings, petitions for injunctive relief to halt or prevent violations, motions for declarator-3" judgment to clarify or interpret particular provisions, and motions to modify the proposed Final Judgment.

QUESTION

Could you please expand on why you believe the Department has sufficient expertise to accurately evaluate the competitive implications of software design and other technical development choices? Additionally, specifically what has the Department done to ensure that it has the expertise necessary to assess at an early stage both the lawfulness and potential anticompetitive effects of highly-technical actions taken by companies such as Microsoft? Does the Department have a specific plan for allocating resources or personnel to develop the necessary" expertise to identify and take effective action while potential antitrust problems are still on the horizon?

ANSWER

The Department has both the resources and capability to address such technical issues, as they affect enforcement matters, through internal means and, where appropriate, the retention of outside experts. The Department has staff attorneys and economists, including members of the staff that worked tirelessly on the Microsoft case for many years, who have significant technical expertise in the software industry, as well as other high-tech fields. The Department routinely investigates, and relies on the expertise of its personnel to assess the effects of, companies" conduct in these high-tech industries. The Department continuously evaluates and seeks to improve its expertise to allow it to identify and take effective action to address competitive issues.

QUESTION

In his written testimony (pp. 18–19), Mr. Himes of the New York State Attome3" General's Office briefly discusses the importance of the Proposed Settlement's definition of "Middleware." The D.C Circuit defined middleware very simply as "software products that expose their own APIs [or "Application Programming Interfaces'". Microsoft, 253 F.3d at 53. Could you explain why the Proposed Settlement adopts a

narrower, two prong definition? Could you also further explain the distribution threshold contained in the definition of "Non-Microsoft Middleware Products," requiring that—to meet the definition—at least one million copies of the Middleware Product have been distributed within the United States during the previous 3 year? Will this threshold provision disadvantage innovation among start-up entrepreneurs or those who develop software for highly-specialized markets as some have criticized? Is there some other way to address the concerns underlying this "one million copy" threshold?

ANSWER

The Court of Appeals' decision did not seek to define the term middleware in a manner that would suffice for remedial purposes. Rather, the opinion contains descriptive language to aid in the exposition of the issues in the case. For remedial purposes, the definition must be more technical so as to ensure limits within the terms of the liability found and enforceability of the proposed Final Judgment. The Court of Appeals found that Microsoft engaged in anticompetitive practices with respect to two middleware products, Web browsers and Java. Those products were deemed to have exposed a range of APIs so as to have the potential to evolve into an alternate platform, thereby threatening Microsoft's operating system monopoly. Not all products that expose APIs have that quality. The proposed Final Judgment adopts a broad definition of middleware that includes the specific products at issue in this case, other specific products that already have emerged as potential alternative platforms, and products that may be developed in the future that may have similar cross-platform qualities. Under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million copy limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product "default" status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system. The limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. As you know, Americans routinely receive unsolicited software offers via the mail every day.

QUESTION

I found Mr. Jim Barksdale's letter noteworthy in several respects, but am

particularly interested in his claim that the Proposed Settlement would not have prevented Microsoft's unlawful actions against Netscape. Could you please discuss whether the Proposed Settlement would have prevented the actions taken by Microsoft against Netscape that the DC Circuit held to be unlawful had the Proposed Settlement been in existence in 1995, and, if so, how?

ANSWER

Mr. Barksdale makes the curious assertion that Netscape would have fared better without the proposed Final Judgment than with it. The proposed Final Judgment expressly prohibits the very practices Microsoft deployed to impede the emergence of Netscape's Navigator and found unlawful by the Court of Appeals. Thus, had the Final Judgment been in effect, Netscape would have had access to Microsoft's APIs in the development process, been able to obtain distribution through computer manufacturers, and been able to become the default browser if a computer manufacturer or consumer elected to use Netscape in that way. Other firms in the industry would have been free to collaborate with Netscape without fear of retaliation by Microsoft.

SENATOR DEWINE'S QUESTIONS
QUESTION

The term of the proposed settlement is only five years, while many other antitrust consent decrees last for ten years. The Department has suggested that a shorter time period is justified because this industry changes rapidly and a longer decree may not be warranted after five years. Given that the Department of Justice has the ability to go to the court and seek to modify a consent decree or terminate it if market conditions warrant such a change, why not impose a longer period of enforcement, and then decide later if it needs to be modified or abandoned?

ANSWER

The mission of the Department is to enforce the federal antitrust laws and remedy specific violations thereof. This mission does not include regulating competition. Entering into an open-ended final judgment with the intent of reevaluating its terms on a going-forward basis would be contrary to the Department's mission.

QUESTION

As the Court of Appeals in this case noted, the Supreme Court has indicated that a remedies decree in an antitrust case must seek to "unfetter a market from anticompetitive conduct," "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future." Do you believe that this is the appropriate standard to use? If so, do you believe the proposed final judgment denies Microsoft the fruits of its illegal acts? Specifically, can you discuss whether Microsoft has been denied the fruits of its effort to maintain a monopoly in the operating system?.

ANSWER

In agreeing to the proposed Final Judgment, the Department followed the Court of Appeals' decision in this case and

applicable precedent. The Court of Appeals determined that Microsoft had illegally maintained its operating system monopoly by engaging in specific anticompetitive practices. While some have argued that the "fruits" of this violation are the continued monopoly in the operating system market and/or a monopoly in the Web browser market, that is inconsistent with the Court of Appeals' decision. In discussing the scope of an appropriate remedy, the Court of Appeals noted, "the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior." U.S. v. Microsoft, 253 F.3d 34, 107 (DC Cir. 2001). Further, the Court reversed the District Court's findings that Microsoft had attempted to monopolize the Web browser market and engaged in illegal tying. Consequently, there was no mandate for the Department to strip Microsoft of its market position in either the operating system or Web browser markets.

The proposed Final Judgment denies Microsoft the ability to use its operating system monopoly to exclude competing middleware products. In addition to prohibiting the illegal practices, Microsoft is now required to provide to actual and potential competitors APIs never before disclosed to them. Microsoft also must make design changes that permit competing middleware to substitute as the default product. Finally, Microsoft must now disclose to competitors communications protocols for servers. These proactive provisions create a far more positive environment for the development of competing middleware than existed at the time of Microsoft's unlawful behavior. In this environment, software developers will have a full opportunity to compete for consumer patronage that might make them an actual threat to Microsoft's operating system monopoly.

QUESTION

The proposed settlement has some prohibitions against Microsoft retaliating against computer manufacturers that place competing software on their computers—these provisions are intended to allow manufacturers to offer non-Microsoft products if they choose. I understand that Microsoft currently offers incentives to computer manufacturers if they can get computers to "boot up" quickly. Some believe that computer manufacturers will not want to slow down the start-up time by placing additional software on the computer because they, will risk losing the incentive payment. Does the proposed settlement deal with this problem?

ANSWER

The Court of Appeals decision in this case did not specifically address the speed at which computers "boot up." Nor does the proposed Final Judgment. However, the proposed Final Judgment does prohibit Microsoft from using market development allowances or other discounts if they are inconsistent with any other provision in the proposed Final Judgment. This would include, for example, retaliation against computer manufacturers for using non-Microsoft middleware implemented through incentive payments for faster "boot ups."

QUESTION

The Appellate Court noted that the applications barrier protects Microsoft's operating system monopoly. The Court stated that this allows Microsoft the ability to maintain its monopoly even in the face of competition from potentially "superior" new rivals. In what manner do you believe the proposed settlement addresses the applications barrier?

ANSWER

The proposed Final Judgment addresses the applications barrier by restoring the nascent competitive threat to Microsoft's operating system posed by middleware products. Middleware products expose their own APIs, and thus, allow software developers to write programs that run on the middleware itself. An application written to rely exclusively on a middleware program's interfaces could run on all operating systems on which that middleware runs. Because such middleware also runs on Windows, applications developers would not be required to sacrifice Windows compatibility if they choose to write applications for a middleware platform. Applications developers would thus have incentives to write for widely used middleware, and users would not be reluctant to choose a non-Windows operating system for fear that it would run an insufficient array of applications.

In addition to prohibiting the illegal practices, Microsoft is now required to provide to actual and potential competitors APIs never before disclosed to them. Microsoft also must make design changes that permit competing middleware to substitute as the default product. Finally, Microsoft must now disclose to competitors communications protocols for servers. These proactive provisions create a far more positive environment for the development of competing middleware than existed at the time of Microsoft's unlawful behavior. In this environment, software developers will have a full opportunity to compete for consumer patronage that might make them an actual threat to Microsoft's operating system monopoly.

QUESTION

Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. This potentially deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will always be on the computer whereas competing products may not be. Even if consumers are unaware that code is commingled, should we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

ANSWER

The Court of Appeals concluded that Microsoft unlawfully commingled its operating system and browser code for the purpose of preventing the removal of its browser. The Court found that this had the effect of deterring competition not because of the presence of the Microsoft middleware code, but because of the use of the middleware by consumers. The proposed Final Judgment fully addresses the conduct found unlawful by requiring Microsoft to create and maintain an effective add/remove function for all Microsoft middleware and to permit competing middleware to take on a "default" status that will override middleware functions Microsoft has integrated into the operating system.

A ban on commingling without regard to competitive significance would impose a wholly unnecessary, and artificial constraint on software design that could have adverse implications for consumers. Additionally, changes to the operating system required to implement such a prohibition likely would have adverse effects upon third parties that have already designed software to the present operating system code. A prohibition on commingling in this particular case, therefore, would be harmful, not helpful.

QUESTION

Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, i.e., that they don't aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

ANSWER

It is true that by statute and applicable Supreme Court precedent, there is no legal basis for "punishing" a civil defendant in a civil antitrust decree. Thus, for example, the Department cannot impose a civil fine. In agreeing to the proposed Final Judgment, the Department followed the Court of Appeals' decision in this case and applicable precedent. The Court of Appeals determined that Microsoft had illegally maintained its operating system monopoly by engaging in a series of specific anticompetitive practices. While some have argued that the "fruits" of this violation are the continued monopoly in the operating system market and/or a monopoly in the Web browser market, that is inconsistent with the Court of Appeals' decision. In discussing the scope of an appropriate remedy, the Court of Appeals noted, "the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior." *U.S. v. Microsoft*, 253 F.3d 34, 107 (DC Cir 2001). Further, the Court reversed the District Court's findings that Microsoft had attempted to monopolize the Web browser market and engaged in illegal tying. Consequently, there was no mandate for the Department to strip Microsoft of its market position in either the operating system or Web browser markets. The proposed Final Judgment does, however,

stop the unlawful conduct found by the Court of Appeals, prevent its recurrence and restore the competitive conditions in the middleware market. The Department believes that the proposed remedy in this case is strong enough to deter others firms who may engage in the type of unlawful conduct in which Microsoft engaged.

QUESTION

Nine states didn't join with the Department of Justice's proposed final judgment because they, didn't believe it adequately addressed competitive problems. These states recently filed their own remedy proposals. These states assert that one fruit of Microsoft's illegal conduct is Microsoft's dominant share of the Internet browser market. They propose to deny Microsoft this benefit of its violations by requiring it to open-source the code for Internet Explorer. What do you believe the competitive impact of such action would be?

ANSWER

The credibility of the antitrust enforcement process requires the Department to respect the Court's rulings in this case, including those that were adverse. The Department was unsuccessful with regard to some of its claims. It would be inappropriate for the Department to seek remedies designed to redress claims upon which it was unsuccessful under the guise of claims actually sustained by the Court.

The sole basis for liability sustained by the Court of Appeals was monopoly maintenance. The monopoly maintenance claim asserted that Microsoft impeded a "nascent" threat to its operating system monopoly. The Department conceded, and the courts found, that any actual effect of that conduct on competition in the operating system market would have occurred well off into the future, if at all. The courts rejected both the exclusive dealing and attempted monopolization counts, and reversed the finding of unlawful tying. In fact, the Court of Appeals found that the Plaintiffs failed to prove that Web browsers were even a distinct market. Those were the only government claims asserting anticompetitive impact or unlawful gain to Microsoft in the market for Web browsers. Thus, within the confines of this case, there is no legal basis for asserting that Microsoft's present share in browsers is a "fruit" of its unlawful conduct, and a remedy requiring disclosure of the source code for Microsoft's browser, therefore, would be an unfounded expropriation of Microsoft's intellectual property.

It is not a goal of public antitrust enforcement to restructure competitive relationships or to secure competitive benefits for private firms, divorced from a finding of unlawful behavior. Such action by the Department would be a distortion of the antitrust enforcement process that would undermine the very goals of the antitrust laws.

QUESTION

Given Microsoft's monopoly power in the operating system, some believe that merely allowing computer manufacturers to place competing software and icons on the operating system will not impede Microsoft's ability to capture a dominant share of any

product that it binds to its operating system. Do you believe that media players, instant messaging services, and other competing products will be able to compete with similar MS products that are bound to the operating system?

ANSWER

There are, today, media players and instant messaging services that compete with similar Microsoft products. The proposed Final Judgment ensures that competing middleware products, such as media players and instant messaging software, will have the opportunity to compete with Microsoft's products. Specifically, the proposed Final Judgment prohibits Microsoft from impeding consumer choice of competing middleware products by requiring Microsoft to create and maintain a mechanism for consumers and computer manufacturers to replace Microsoft's middleware. In this way, the proposed Final Judgment preserves and reinforces the notion of consumer choice. It permits consumers to choose between Microsoft and non-Microsoft middleware and to configure their desktops accordingly.

The proposed Final Judgment provides the opportunity for middleware products to compete on the competitive merits. If developers of competing middleware products can generate consumer patronage by offering superior products at attractive prices, consumers (and/or the OEMs they purchase from) will select their products over those offered by Microsoft. Consistent with the goals of the antitrust laws, however, the proposed Final Judgment provides the opportunity for the competitive process to determine how well competing middleware producers fare in the marketplace.

QUESTION

Many have criticized the proposed final judgment saying it has loopholes in it that will allow Microsoft to continue operating as it has done in the past. For example, the proposed final judgment clearly seeks to prevent Microsoft from retaliating against computer manufacturers that install competing software onto the computer. However, because the provisions are limited to specific practices or types of software, and apply only to "agreements" between Microsoft and computer manufacturers, many believe that Microsoft will find alternative methods of controlling the practices of computer manufacturers. Do you believe competition would be better served if Microsoft were broadly prohibited from retaliating against computer manufacturers?

ANSWER

The term "retaliation" can be subject to overbroad interpretation in many contexts, including an antitrust final judgment. Literally, the term could be read to mean the withholding of any benefit in response to an undesired action. In a commercial context, a firm might be said to have "retaliated" against a prospective customer or supplier through an adverse action whether or not their interaction has any competitive significance. For example, if Microsoft decided for valid business reasons that it no longer wanted to engage in a particular business transaction, it could be accused of

retaliating. To give the term retaliation meaning in the context of this proposed Final Judgment, reference must be made to the offending conduct, i.e., actions taken against firms seeking to develop, promote or distribute competing middleware.

To amplify upon my answer at the hearing, the proposed Final Judgment does not, and should not, prohibit Microsoft from engaging in all forms of collaborative conduct. Such a prohibition would be anticompetitive to the extent that some forms of collaboration Microsoft might engage in would help in the creation or distribution of new products for the benefit of consumers. The proposed Final Judgment prohibits Microsoft from withholding benefits from those who support competing middleware products, while permitting the company to grant benefits specifically in the context of bona fide collaborative ventures under well-established antitrust standards (which necessarily means "withholding" those same "benefits" from companies not engaged in the particular bona fide collaborative venture).

QUESTION

The Court of Appeals ruled that Microsoft's practices which undermined the competitive threat of Sun's Java technology was an antitrust violation. The remedy proposed by the states that do not support the DOJ's proposed settlement would require Microsoft to distribute Java with its browser as a means of restoring Java's position in the market. Do you believe this would be beneficial to competition? What does the DOJ's proposed settlement do to restore this competition?

ANSWER

As a public antitrust enforcement mechanism, the proposed Final Judgment does not seek to confer specific strategic or financial benefits upon specific companies. Indeed, the antitrust laws specifically leave it to private parties to secure that form of relief in private antitrust actions they file on their own behalf, and many companies have availed themselves of that opportunity. The proposed Final Judgment, however, addresses, with respect to all middleware producers, including Sun Microsystems' Java, the conduct that the Court of Appeals found to have impeded the development and distribution of Java. Having eliminated the unlawful practices, the proposed Final Judgment will allow Sun to compete for consumer patronage against any similar technology Microsoft might elect to offer. It would be inappropriate for the Department to dictate through government mandate consumer choice of a particular middleware product. Consumer choice, not government decree, should determine the market result. Requiring Microsoft to distribute Java with every Microsoft browser would not restore competition to its previous form; rather, it would give Java a competitive advantage over other firms' products.

QUESTION

Definition U. of the Proposed Final Judgment appears to allow Microsoft to determine in its sole discretion what constitutes the operating system. The Court of Appeals left open the possibility of a tying case against Microsoft. Will this provision

essentially foreclose any opportunity of bringing a tying claim against Microsoft? Why do you give Microsoft the ability to make this determination?

ANSWER

Definition U. in the proposed Final Judgment will not foreclose any opportunity of bringing a tying claim against Microsoft. The definition applies only to the duties and obligations imposed on Microsoft by the proposed Final Judgment. Although the proposed Final Judgment does not prohibit Microsoft from tying its products, it does not grant Microsoft any new rights under the antitrust laws with respect to product integration.

The Department agreed to include this clause in Definition U. because it merely confirms what Microsoft already had the power to do—label its own operating system products. This clause does not negatively impact the operative provisions of the proposed Final Judgment because they principally rely on other definitions, such as Microsoft Middleware Product, regardless of how Microsoft labels its operating system. Moreover, the clause does not affect whether software that Microsoft chooses to label as part of the package it calls its "Windows Operating System Product" is or is not a separate "product" for antitrust purposes.

QUESTION

Many antitrust cases involve the appointment of a special master who has some level of enforcement authority. This proposed final judgment does not do that and instead relies primarily upon standard civil and criminal contempt proceedings, as well as a special three person panel. Why has the Division elected not to appoint a special master that may speed effective enforcement, especially given the Division's concern for how rapidly this market changes?

ANSWER

Contrary to the premise of the question, there is no history or tradition of the Department delegating enforcement responsibility for its antitrust enforcement orders to special masters. The Department is the public agency entrusted to carry out that function and has the resources, expertise and public interest focus necessary to accomplish the task. Moreover, the Department disagrees fundamentally with the notion that enforcement of the proposed Final Judgment by a special master would be more efficient or expeditious in this case. Assuming that the resolution of disputes by a special master would involve reasonable procedural protections for all concerned, including a right of judicial appeal, there is no reason to believe that the special master process would be any less litigious or time-consuming than enforcement by the Department in this case, and may in fact introduce even more delay into the enforcement process.

QUESTION

The Department of Justice has indicated that one motivation for entering into this settlement was to provide immediate relief and avoid lengthy court proceedings. At the same time, many of the provisions of the settlement don't become active for up to 12 months after the settlement is enacted. Given

your belief that relief should be immediate, why wait so long for these provisions to become active?

ANSWER

The only provisions in the proposed Final Judgment that do not require Microsoft to immediately abide by their terms once the Final Judgment is in effect are Sections III.D., III.E., and III.H. These provisions provide Microsoft with a limited amount of time to implement the company's affirmative obligations because they require Microsoft to actually redesign its products or establish new disclosure procedures that will take time to accomplish. In addition, requiring Microsoft to immediately disclose the unfinished interfaces for its new products in development in Section III.D. would actually be detrimental to the market because Microsoft continuously, changes and improves these interfaces before a product is finalized. Ira software developer uses interfaces disclosed to it in its products and the interfaces are subsequently modified, this may disable both the software product and the operating system. Giving Microsoft a limited amount of time to implement its duties under these provisions ensures that they are properly, implemented

QUESTION

One provision of the proposed final judgment requires Microsoft to allow consumers or computer manufacturers to enable access to competing products. However, it appears that III.H. of the Stipulation and VI.N. indicate that for a product to qualify for these protections it must have had a million copies distributed in the United States within the previous year. This seems to run contrary to the traditional antitrust philosophy of promoting new competition. Is this in fact the case? And if so, why are these protections limited to larger competitors?

ANSWER

Under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million cop, limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product "default" status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system. This limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software

industry today. As you know, Americans routinely receive unsolicited software offers via the mail every day.

SENATOR MCCONNELL'S QUESTIONS QUESTION

Can you describe how the appeals court ruling impacted the case originally brought by the Department of Justice in 1998?

ANSWER

Not only the Court of Appeals' ruling, but also the trial court's earlier determinations disposing of alternative theories of antitrust liability advanced by the Department of Justice and the State plaintiffs, significantly impacted the Microsoft case. The federal government's complaint alleged four specific antitrust violations: (1) attempted monopolization of the browser market in violation of Section 2 of the Sherman Act; (2) specific anticompetitive acts, and a course of conduct, to maintain the operating system monopoly, also in violation of Section 2; (3) unlawfully tying the Web browser to the operating system in violation of Section 1; and (4) exclusive dealing in violation of Section 1. Additionally, the State plaintiffs alleged that Microsoft employed unlawful monopoly leveraging tactics to move into the browser market in violation of Section 2 and monopolization with respect to Microsoft Office. The District Court, however, dismissed the monopoly leveraging claim prior to trial, and the States unilaterally dropped their monopolization claim with regard to Microsoft Office. Following a trial, the District Court ruled for the government on three of the four claimed violations, but against it on the exclusive dealing claim. To remedy the violations, the Court ordered that Microsoft be divided into separate operating system and applications software businesses, following a one-year transitional period under interim conduct restrictions.

The Court of Appeals reversed the liability findings with regard to attempted monopolization and tying, dismissing the former and remanding the latter for further proceedings under a more rigorous standard of proof. It sustained the finding of monopoly maintenance, but did so on more limited grounds. Specifically, it reversed the District Court's finding of a course of conduct, limiting liability to specific anticompetitive acts, and with regard to the specific acts, ruled against the government on 8 of the 20 anticompetitive acts sustained by the District Court that the Court of Appeals considered. The Court of Appeals also vacated the remedy, in part because it had so "drastically" curtailed the liability determinations. In discussing the remedy, the Court expressed substantial skepticism about the propriety of structural relief in this case and instructed the new judge to tailor the remedy to the violations affirmed.

The net effect of the District Court's and Court of Appeals' rulings was to substantially narrow both the findings of liability and the bases for relief. The courts ruled against the government with regard to both direct assaults on Microsoft's practice of integrating new functions into the operating system (the attempted monopolization and tying claims) and Microsoft's ability to use the advantages flowing from the operating

system monopoly to enter new markets (the States' monopoly leveraging claim). The sole basis for relief became Microsoft's specific practices—not a course of conduct—to maintain the operating system monopoly by impeding the development and deployment of middleware products. The relief in the proposed Final Judgment effectively addresses these practices by stopping them, preventing their recurrence and restoring the competitive conditions lost due to Microsoft's violations.

QUESTION

Can you tell us more about how this agreement came about, or the process involved in reaching a settlement?

ANSWER

Particularly while Tunney Act review, of the proposed Final Judgment is pending, it would be inappropriate to discuss the details of the settlement process. However, the Department can provide the following general information. On September 28, 2001, Judge Kollar-Kotelly ordered the parties into a period of intensive settlement and mediation discussions to attempt to reach a fair resolution of the case, commencing on September 28, and expiring on November 2, 2001, staying all other case activity during that period. During those five weeks, the Department, certain representatives for the States, and Microsoft extended every effort to comply with the Court's order, first privately, and then with assistance from the mediator appointed by the Court and his partner. After extensive negotiations, the Department, nine of the Plaintiff States and Microsoft were able to agree upon a proposed Final Judgment that would fully, meet the Department's goal of achieving a prompt, certain and effective-remedy for consumers by imposing injunctive relief to halt continuance, and prevent recurrence, of the violations of the Sherman Act by Microsoft that were upheld by the Court of Appeals, and restore the competitive conditions prevailing prior to Microsoft's unlawful conduct. The settling parties filed a proposed Final Judgment on November 2, 2001, and then a revised proposed Final Judgment on November 6, 2001, which is now being considered by the Court pursuant to the Tunney Act.

Before commencing the settlement discussions, the Department established a set of core principles for resolution of the case, whether by litigation or consent. Key among them was the concept that the remedy had to be a comprehensive set of provisions that would stop the offending conduct and other similar means of achieving the same result, prevent its recurrence, and restore a competitive field for the development and deployment of competing middleware products. Moreover, the relief had to be faithful to the allegations of the complaint actually sustained by the Court of Appeals, addressing the conduct the Court had found to be unlawful. Finally, the remedy had to further the public interest in free and unfettered competition—not dictate market results and not necessarily serve the private interests of certain companies. Settlement occurred when Microsoft was prepared to agree to comprehensive relief satisfying these principles.

QUESTION

Some have criticized the agreement for not going far enough. Do you believe that the proposed settlement compares favorably to—and in some respects may well exceed—the remedy that might have emerged from a judicial hearing?

ANSWER

The Microsoft case is a public law enforcement action. The settlement, therefore, should be judged on whether it remedies the violations sustained by the Court—not on whether it is “tough” on Microsoft or “goes far enough” in addressing the concerns of Microsoft’s competitors and critics.

The proposed Final Judgment represents, in substantial measure, the relief the Department would have proposed and fought for in court. In a remedies proceeding, however, we would have expected Microsoft to contest vigorously almost every provision extending beyond the literal findings of liability contained in the Court of Appeals’ decision. We would have fought hard to obtain this relief, but it is by no means a foregone conclusion that such relief would have been ordered. A few examples illustrate the point.

The original case identified Web browsers and Java technologies as potential threats to the operating system. Both were broad-based middleware products with the potential to permit cross-platform (i.e., multiple operating system) development of a broad range of application software products. The current crop of middleware products (e.g., media players and instant messaging systems, etc.) tend to be category-specific, and are more likely to be platforms for narrower families of related applications. For this reason, among others, we would have expected vigorous litigation over the middleware definition and the need to extend the coverage of the proposed Final Judgment to products beyond the browser and Java. Our definition, however, expressly recognizes other middleware products currently in use (e.g., e-mail client software, networked audio/video client software, instant messaging software) and is broad enough to include future products that have the potential to threaten the operating system monopoly.

Microsoft’s Windows products employ closed, proprietary technology. The company is under no general legal obligation to disclose or license its technology. Moreover, the Court of Appeals did not sustain any allegation that Microsoft’s failure to disclose or license its technology (generally or, in particular, its applications program interfaces (“APIs”) or communications protocols) was, by itself, an act of monopoly maintenance. Thus, we would have anticipated hotly contested litigation over the imposition of an affirmative Microsoft obligation to assist others in developing competing products. In this regard, Microsoft would have pointed out that tens of thousands of software programs are developed using the standard APIs disclosed generally to the software community. The proposed Final Judgment, however, imposes that obligation as a temporary restorative measure designed to

permit firms to develop competing middleware products that can compete with Microsoft on a function-by-function basis.

As discussed above, the case focused primarily on browsers and Java technologies. The word “server” does not appear in the complaint and appears only in passing in Judge Jackson’s Findings of Fact And, neither the Department nor the plaintiff States presented evidence at trial that Microsoft had violated the antitrust laws through conduct related to server software. Thus, we would have anticipated vigorous opposition to any effort to include relief with regard to servers in any litigated judgment. Microsoft would have argued strongly that software that resides on a server, is not middleware. Our proposed Final Judgment, however, ensures that independent software vendors will have full access to, and be able to use, the protocols that are necessary for software located on a server computer to interoperate with, and fully take advantage of, the functionality provided by any Windows operating system product.

The proposed Final Judgment requires Microsoft to allow competing middleware products to assume “default” status in the operating system (i.e., selected by the manufacturer or user and automatically invoked unless countermanded by a manual choice) and requires the company to make design changes to accomplish that result. These provisions are important to permit competing middleware vendors to develop products that are comparable to Microsoft’s in their integration into the operating system. This was not an issue highlighted when the case initially was brought, and the Court of Appeals had ruled against the government with regard to the few specific examples of Microsoft having countermanded a user’s Web browser selection. The default provisions of the proposed Final Judgment impose costly and continuing redesign obligations upon Microsoft and likely would have been hotly contested in any litigation.

As you are aware, the government would have borne the burden of proof with regard to all remedial questions.

The proposed Final Judgment secures immediate relief. With regard to the foregoing issues and perhaps many others, a litigated resolution most likely would have been subject to additional appeals taking many months, if not years, including appeals to the Supreme Court on the liability finding itself.

QUESTION

This litigation has been going on for almost 4 years. Will this settlement accelerate the point in time at which a remedy will begin to take effect?

ANSWER

Although the proposed Final Judgment must still be reviewed by the District Court under the Tunney Act process, the remedy contained in the Final Judgment took effect on December 16, 2001, pursuant to the stipulation signed by Microsoft to abide by its terms. The remedy applies to Microsoft’s conduct nationwide and has a term of five years. Given the substantial likelihood that Microsoft would have availed itself of all opportunities for appellate review of any non-consensual judgment, the Department

estimated that a litigated result would not have become final for at least another two years, and perhaps much later. The remedies contained in the proposed Final Judgment are not only consistent with the relief that the Department might have obtained in litigation, but they have the advantages of immediacy and certainty.

QUESTION

Assuming the settlement is approved by the court, can you outline the steps that will be taken to ensure compliance with the settlement?

ANSWER

A core team of experienced lawyers and economists established within our newly formed Networks & Technology Section, and including members of the litigation team, is charged with enforcement of the proposed Final Judgment. This enforcement team, assisted by the technical committee formed under the proposed Final Judgment, will monitor Microsoft’s compliance with the Final Judgment and take any necessary action, up to and including initiating contempt proceedings, to ensure effective enforcement.

QUESTION

6. Are you aware of this type of enforcement mechanism being adopted in any other antitrust proceeding?

ANSWER

The Department is unaware of such a stringent enforcement mechanism being adopted in any other antitrust proceeding.

SENATOR KOHL’S QUESTIONS

QUESTION

Mr. James, a unanimous Court of Appeals held that Microsoft has violated out antitrust laws by illegally maintaining its monopoly. It seems pretty common sense that if we want to fix that violation, the settlement you are advocating should: (1) end the unlawful conduct; (2) avoid a recurrence of the violation; and (3) and undo the anticompetitive consequences of the illegal behavior. Indeed, the Supreme Court has said that we should “deny to the defendant the fruits” of its illegal conduct. As you know, when this case was first filed, one of the main problems was that Microsoft’s illegal conduct had nearly driven a competing maker of Internet browsing software—Netscape Navigator—out of business. But today, Microsoft has a greater than 85% share of browsing software. And Netscape is no longer in business as an independent company and no longer is a serious threat as a competing platform.

So I have the following questions: how does this proposed settlement proposal in any way deny Microsoft the gains resulting from its illegal, anti-competitive conduct? Does it do anything, for example, to undo Microsoft’s victory in the “browser wars”?

ANSWER

The sole basis for liability sustained by the Court of Appeals was maintenance of the monopoly in PC operating systems. The courts specifically rejected both the exclusive dealing and attempted monopolization claims, and reversed the tying finding—the

government claims asserting unlawful gain to Microsoft in the market for Web browsers. Thus, within the confines of the case as it exists, there is little or no legal basis for asserting that Microsoft's present share of the browser market is a "fruit" of its unlawful conduct.

Under the monopoly maintenance count, Microsoft benefitted by impeding the emergence of potential middleware threats to its operating system monopoly. While recognizing the "nascent" threat that Web browsers and Java technologies posed to the operating system, the Department conceded, and both courts found, that it was impossible to predict when, if ever, that threat would materialize as to a degree sufficient to have any material effect upon competition in the operating system market.

The proposed Final Judgment seeks to restore the middleware threat as it existed prior to the offending conduct by enjoining conduct to impede the emergence of competing middleware and by requiring affirmative steps to aid in the development of such products. The proposed Final Judgment requires Microsoft to give software developers access to the API's necessary to develop competing middleware, ensures that those products can gain distribution in the OEM channel, permits OEMs to feature competing middleware products, gives third-party middleware "default" status comparable to Microsoft's integrated functions, and prevents Microsoft from retaliating against firms that develop, promote or distribute competing middleware. Accordingly, the proposed Final Judgment actually enhances the opportunities for competing middleware products beyond those existing prior to the case.

QUESTION

Five years from now do you think it is likely that Microsoft will still have 95% of the operating system market? If so, should this concern us?

ANSWER

The proposed Final Judgment is not intended to address Microsoft's acquisition of its market position in operating systems. There was never any allegation in the case that Microsoft unlawfully gained its dominant share in that market. Thus, the proposed Final Judgment does not require Microsoft to forfeit its market position in operating systems, but rather ends Microsoft's unlawful conduct, prevents its recurrence and restores the competitive conditions in the middleware market. Whether any of these middleware threats will ultimately lead to the reduction of Microsoft's operating system market share will be determined by the marketplace. The Department is unable to speculate as to what Microsoft's share will be in the future.

QUESTION

We are right now in the middle of the holiday shopping season, and millions of Americans are going to the computer stores to buy new computers. When they reach the store, they have a choice of many different machines made by many different computer manufacturers, such as Compaq, Dell, Gateway, IBM, and HP, to name a few. But

when it comes to the software that operates the machine they face a very different picture. With the exception of the machines sold by Apple, the consumer has no choice but to buy a computer pre-loaded with Microsoft's Windows operating system. Is there anything in the proposed settlement agreement likely to change this picture? Why can't consumers have the same competitive choices in computer software—specifically operating system software—as they, have today with respect to deciding which machine to buy?

ANSWER

As stated above, there was never any allegation in the case that Microsoft unlawfully acquired its dominant share in operating systems, and the proposed Final Judgment does not address Microsoft's position in that market. However, the proposed Final Judgment does ensure that competing middleware products will have the opportunity to compete and erode Microsoft's operating system monopoly. The marketplace will determine whether a middleware product becomes sufficiently ubiquitous to pose such a threat to the Windows operating system

QUESTION

4.(a).

Critics of the proposed settlement claim it is full of loopholes, and that these loopholes will make it easy for Microsoft to evade its terms. I'd like to focus on one thing critics argue is an unnecessary loophole. The settlement contains an important provision that lets computer makers load certain types of non-Microsoft software on their machines without any fear of retaliation from Microsoft. But Microsoft can retaliate in some instances. For example, only competing software that distributed at least one million copies in the United States in the last year receives protection. No such protection is imposed upon competing software which has distributed less than one million copies.

Commenting on this provision in the Washington Post, James Barksdale, the founder of Netscape, wrote "Anyone who understands the [computer] industry knows this is no protection, for the new inventor will always be steam-rolled by the powerful Microsoft. The dreamers and tinkerers whose better mousetrap has not yet been proved should just close shop. The ultimate losers are the potential consumers of these lost ideas." Why is this limitation found in the settlement? Won't it be difficult for software that has not yet been widely distributed to gain a competitive foothold if Microsoft is not required to allow computer users and manufacturers access to it on the desktop? And why isn't Mr. Barksdale right—aren't consumers the losers if Microsoft is permitted to deny such small, start-up software manufacturers access to the computer desktop?

ANSWER

Mr. Barksdale's commentary, misstates the one million copy limitation of the proposed Final Judgment. The proposed Final Judgment prohibits retaliation by Microsoft related to any middleware, no matter how many copies are distributed. Furthermore,

under the proposed Final Judgment, a computer manufacturer will have the right to install any competing middleware application, without regard to the number of copies of that competing middleware that have been distributed. The one million copy limitation exists only with respect to the requirements that Microsoft make public the APIs used in its own middleware products and redesign the operating system to provide a competing middleware product "default" status—i.e., the ability to override automatically Microsoft middleware functions integrated into the operating system. The limitation strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. To do otherwise would have put the operating system in a state of constant flux, which would have had disastrous implications for users and developers alike. Moreover, in a world of about 625 million PC users and software distribution via downloads and direct mail, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. As you know, Americans routinely receive unsolicited software offers via the mail every, day.

QUESTION

4.(b).

Please give specific examples of "non-Microsoft middleware products" (as defined in the proposed consent decree, section VI.N.) that have distributed at least one million copies in the United States in the past year, and examples of those that have not.

ANSWER

A few of the examples available of non-Microsoft middleware products that have distributed at least one million copies in the U.S. in the past year include Real Network's media player, Real Player, AOL's ICQ instant messaging product, and Opera, a competing Web browser.

The Department is unaware of any non-Microsoft middleware products that distributed less than one million copies in the U.S. in the past year. As explained in response to Question 4(a) above, distribution of only one million copies, rather than sales, installation or usage, is a relatively minor threshold in the software industry today. Once the terms of the proposed Final Judgment become known in the market, the producers of smaller middleware products will be able to target the one million copy threshold by simply using one of the numerous distribution outlets available in the market today, for example, direct-mail.

QUESTION

4.(c). What types of research and/or objective methods are used to measure such distribution today? Which studies or objective criteria did you use to set the one million dollar mark

ANSWER

Competing middleware providers will be able to ensure that they can take advantage of the powers granted to them under III.H. of

the proposed Final Judgment by simply disclosing the number of copies they have distributed. Distribution numbers are currently publicly disclosed on the numerous sites available for downloading such products, including Netcom. The Department considered various levels of distribution when deciding the appropriate amount. One million was chosen because it strikes the proper balance between the substantial costs associated with such documentation and redesign efforts, and the competitive potential of products with fewer than one million copies distributed. In fact, one million copies represents well under 1% of the installed base of Windows desktops in the U.S.

QUESTION

5 (a).

In the proposed consent decree, with respect to current products, the definition of Microsoft Middleware Product is locked into specific products (section VI.K. 1 of the Proposed Final Judgment). Where it is prospective, the definition of Microsoft Middleware Product allows Microsoft to avoid its reach if it does not satisfy all of the elements of the definition (found in section VI.K2).

Why do you believe this definition is sufficient to restore competition in the middleware market?

ANSWER

There is no basis for restricting Microsoft's conduct with respect to all types of software. Any restrictions must be limited to the findings in this case, which were that Microsoft took exclusionary acts against software with particular characteristics—software that had the potential to become platforms for the implementation of other software, thereby threatening Microsoft's operating system monopoly. The Microsoft Middleware Product definition was carefully crafted to ensure that it covers future Microsoft products that have the potential to become such platforms. The definition uses objective criteria that are not subject to manipulation. Either a product fits the definition or it does not. If, for whatever reason, it does not fit the definition, the product will not be one that the proposed Final Judgment was intended to cover.

QUESTION

5 (b)

Why is the definition of middleware in the proposed consent decree different from the one used by the D.C Circuit Court of Appeals, or the one used by Judge Jackson in his interim remedy?

ANSWER

The Court of Appeals' decision did not seek to define the term middleware in a manner that would suffice for remedial purposes. Rather, the opinion contains descriptive language to aid in the exposition of the issues in the case. For remedial purposes, the definition must be more technical so as to ensure limits within the terms of the liability found and enforceability of the proposed Final Judgment. The Court of Appeals found that Microsoft engaged in anticompetitive practices with respect to two middleware products, Web browsers and

Java. Those products were deemed to have exposed a range of APIs so as to have the potential to evolve into an alternate platform threat, thereby threatening Microsoft's operating system monopoly. Not all products that expose APIs have that quality. The proposed Final Judgment adopts a broad definition of middleware that includes the specific products at issue in this case, other specific products that already have emerged as potential alternative platforms, and products that may be developed in the future that may have similar cross-platform qualities.

The middleware definitions in the proposed Final Judgment are different than those in Judge Jackson's order because in the intervening time period the Department refined the definitions to more accurately reflect the competitive objectives of the judgment and to take into account changes in the software industry, including an increased emphasis on downloading as a distribution mechanism.

QUESTION

5.(c). Why is MSN Explorer excluded from the current products that constitute Microsoft Middleware Products in section VI.K 1 of the Proposed Final Judgment?

ANSWER

MSN Explorer is used largely by consumers who have already chosen MSN as their Internet service provider or who have chosen Hotmail for their email. It is marketed more in that context than as a simple browser. Competitively it has less significance in the browser market than Internet Explorer.

QUESTION

Many believe Microsoft is using its operating system monopoly to gain dominance in other types of software products. For example, five years ago, Microsoft had only about a 20 market share in Internet browsing software. Today it has an 86 share. Five years ago, Microsoft had 43% share in word processing software. Today Microsoft Word software has a 94% market share.

What provisions in the settlement will prevent Microsoft from gaining dominant market shares in new software products, just as it has with respect to other types of software?

ANSWER

The concept to which you refer is known in antitrust parlance as "monopoly leveraging." The States included a monopoly leveraging count in their complaint in this matter. That count, however, was dismissed by Judge Jackson in pretrial proceedings. U.S. antitrust precedent treats monopoly leveraging claims with much skepticism. Indeed, as the Court of Appeals noted in rejecting certain of Judge Jackson's rulings with respect to Java, U.S. antitrust law does not prohibit a firm, even one with monopoly power, from using advantages gained in one market to enhance its position in an adjacent market. Given the Court's rejection of the monopoly leveraging claim, there is no legal basis in this case for addressing allegations of monopoly leveraging.

QUESTION

7.(a).

Mr. James, if this settlement is adequate to restore competition and remedy Microsoft's illegal conduct, why have nine state attorneys general who initially joined the Justice

Department in suing Microsoft refused to sign on to the settlement but have instead proposed their own settlement?

ANSWER

The Department cannot speculate on the possible motives of the various State attorneys general who did not join the settlement.

QUESTION

7.(b)

Are you willing to consider modifications to the proposed settlement in order to secure the consent of additional state attorneys general? If so, what modifications would you consider?

ANSWER

The Department believes that the proposed Final Judgment Full3' remedies the conduct found unlawful by the Court of Appeals. The Department, however, will fully comply with the Tunney Act, including giving due consideration to the public comments submitted.

QUESTION

8.(a).

The proposed consent decree lasts for only five years (unless a Court finds Microsoft has engaged in systematic violations of the decree, in which case it is extended for another two years).

Can you inform me in which past monopoly cases brought by the government where a violation of Section 2 of the Sherman Act has been found, the federal courts have limited their conduct remedies against the monopolist to only five years?

ANSWER

The Department is aware of at least one Section 2 case in which the government obtained a final judgment that included conduct remedies that were in effect for five years or less—U.S. v. American Airlines, Civil Action No CA 3-83-0325-D, U.S. District Court for the Northern District of Texas (Final Judgment entered on October 31, 1985, see 1985-2 Trade Cases 66,866).

QUESTION

8.(b) Why have you limited the remedy to five years in this case? How can we be sure that the five year term of the settlement is sufficient to restore competition to this market?

ANSWER

Five years provides sufficient time for the conduct remedies contained in the proposed Final Judgment to take effect in this evolving market and to restore competitive conditions to the greatest extent possible given the conduct at issue in this case.

QUESTION

8.(c) Why do the restraints on Microsoft's conduct in some instances take as long as one year to go into effect.?

ANSWER

The only provisions in the proposed Final Judgment that do not require Microsoft to immediately abide by their terms once the Final Judgment is in effect are Sections III.D., III.E., and III.H. These provisions provide Microsoft with a limited amount of time to implement the company's duties because they require Microsoft to actually redesign its products or establish new disclosure procedures that could take some time to accomplish. In addition, requiring Microsoft to immediately disclose the unfinished interfaces for its new products in development in Section III.D. would actually be detrimental to the market because Microsoft continuously changes and improves these interfaces before a product is finalized. If the interfaces are changed after a software developer uses them in its products, it may disable both the software product and the operating system. Giving Microsoft a limited amount of time to implement its duties under these provisions ensures that they are properly implemented.

QUESTION

8 (d). How likely, do you think software developers will be to develop new products based on a decree that will protect them for only five years?

ANSWER

Five years provides sufficient time for the conduct remedies contained in the proposed Final Judgment to take effect in this evolving market and to restore competitive conditions to the greatest extent possible given the conduct at issue in this case. The marketplace will decide what middleware products will succeed.

QUESTION

8.(e). Will you commit to initiating new investigations and, if necessary, new court proceedings, if Microsoft behaves in an anti-competitive manner in the future?

ANSWER

As a law enforcement agency, the Department will continue to evaluate Microsoft's conduct and take action to remedy anticompetitive conduct where appropriate.

SENATOR DURBIN'S QUESTIONS

QUESTION

I understand that the Justice Department officials, representatives of the State Attorneys General, and Microsoft lawyers worked around the clock to come to an agreement on this settlement.

How many, meetings were there on the settlement?

ANSWER

The proposed Final Judgment resulted from a process of court-ordered settlement discussions and mediation, commencing on September 28, and concluding on November 2, 2001, the deadline imposed by Judge Kollar-Kotelly. The mediation followed upon about two weeks of court-ordered, unsupervised discussions among the Department, counsel for Microsoft and representatives of the plaintiff States. Although we did not meet continuously, throughout both periods, there were

communications among the parties every day, in-person or telephonically, and the settlement teams, more often than not, worked well into the night. The Department, however, did not maintain an accounting of the number of meetings or communications during the settlement discussions.

QUESTION

1.B. Were the states sufficiently involved in the process?

ANSWER

Following the Court's September 28th Order, the Department was advised that the State coordination group would appoint representatives to participate in the settlement discussions and that the representatives would report to the larger group through regular conference calls and other means. Once the mediation commenced, the States were continuously represented by the states of Ohio and New York, with Wisconsin actively participating on some occasions. All three of these states joined in the proposed settlement.

The Department worked to facilitate the States' participation in the settlement process. Among other things, the Department permitted the State representatives to work in its case room, side-by-side with the Department staff. State representatives participated in strategy sessions with the Assistant Attorney General and other senior representatives from the Department prior to their joint negotiating sessions. At critical junctures in the settlement process, the Assistant Attorney General convened meetings, in-person or via scheduled conference calls, with the State coordinating group, which meetings were often attended by several State attorneys general and their staffs or representatives.

Additionally, the Assistant Attorney General maintained regular telephonic communication with Iowa Attorney General Tom Miller, the appointed leader of the State plaintiffs. The mediators also took steps to encourage full participation by each of the States. At the outset, they inquired as to whether representation of the State plaintiffs by Ohio, New York and Wisconsin was adequate to ensure that all the States would be in a position to carry out the Court's order. The mediators met with the State group separately on several occasions. In the end, they requested that all interested States send authorized decision-makers to Washington for the final stages of mediation.

In short, the States, individually and as a group, were afforded every opportunity to participate in the settlement process, and did so on terms they themselves agreed upon. The States had full access to the process, including all drafts of the settlement documents. At no time were the States precluded from tendering settlement proposals or alternative drafts of the settlement provisions of their own, and in fact, were expressly invited to do so by, both the mediators and representatives of the Department. As with other phases of the case, the level of actual State participation varied widely.

It is not for the Department to opine whether the States participated sufficiently in the settlement process. We would note

that the States that participated most directly in the process joined in the proposed Final Judgment, and those that participated only indirectly or not at all chose not to do so.

QUESTION

Was there anyone in the room during those negotiations who was not affiliated with the parties to the litigation who may have been able to bring another perspective on the terms of the agreement?

ANSWER

The court-ordered settlement discussions that were conducted prior to the appointment of the mediators on October 12, 2001, did not include individuals unaffiliated with the parties to the litigation. The only persons present during the settlement discussions after October 12 who were not affiliated with a party were the Court-appointed mediator, Eric Green, and his partner, Jonathan Marks.

QUESTION

Now that we are in the 60-day period of the Tunney Act proceeding to determine the public interest aspects of this settlement; what, if any, role do you envision Congress should play?

ANSWER

The Department would not presume to tell Congress what, if any, role it should play with regard to Tunney Act review of the proposed Final Judgment.

QUESTION

Microsoft is about to settle with about half the states who joined in the original DOJ lawsuit, but the other half of the states are continuing with the court-issued remedies phase of the litigation. Naturally, there may be differences in the remedies in the two different vehicles for closing out this case. How will you reconcile the potential differences between the terms of the settlement accepted by the nine settling state plaintiffs and the remedies to be awarded to the ten non-settling state plaintiffs?

ANSWER

In any multiple-plaintiff litigation, there is the possibility of different, perhaps conflicting, remedies. In private antitrust litigation, where the issue is monetary recovery or the rights of individual companies, disparate outcomes may be manageable. The Microsoft case, however, presents a circumstance in which both the federal government and several state governments are purporting to litigate substantially identical substantive allegations and seeking injunctive relief that would have national public policy implications, affecting the rights of consumers and producers nationwide. With the states increasingly opting to pursue antitrust cases following upon charges already being litigated by the federal antitrust enforcement agencies, the risk of conflicting or inconsistent remedies is always present. In multiple-plaintiff cases, the courts and parties typically undertake to prevent such conflicts from occurring. All parties, of course, would be bound by the orders of the court, and meaningful conflicts could become the source of future litigation. The Department believes that the proposed Final Judgment represents a full and

complete resolution of the violations sustained by the Court of Appeals and that entry of the proposed Final Judgment is strongly in the public interest. Whether or not conflicts emerge, as the agency charged with ensuring that the federal antitrust laws are duly enforced for the benefit of all Americans and the U.S. economy as a whole, the Department will do all in its power to ensure full compliance with the proposed Final Judgment and to protect the antitrust enforcement process itself.

Answers to Written Questions.

The Senate Judiciary Committee,
"The Microsoft Settlement: A Look to the Future"

Lawrence Lessig
Professor of Law, Stanford Law School

QUESTIONS FROM SENATOR HATCH

1. In your book, you make the case for keeping the Internet "neutral and open." Could you briefly describe the danger that you foresee, in both a competition and a larger policy context, as consumers migrate to higher capacity connections from our current narrowband connections?

The broadband policy of the current administration will weaken the environment for innovation on the Internet, because current policy will balkanize the Internet, and hinder the opportunity for outsiders to compete.

As consumers move from narrowband to broadband, the legal rules governing at least part of the network are changing. The narrowband Internet was governed by rules that required neutrality by the network owners over the use of the Internet. The broadband Internet will be governed by rules that increasingly allow the network owners to pick and choose the kind of innovation and content that the network will carry. This change in legal rules will shift the locus of innovation from the edge of the network to the center—away from the broad range of creators and innovators that have built the Internet so far, to the relatively few who own or who control the network. What runs well on this Internet will increasingly depend upon who the network owner is. These changes are said to be necessary in order to support the building of the national information super highway. In my view, Congress should weigh this claim much more carefully. It is true that giving broadband providers this power to discriminate will increase their incentive to build broadband pipes. But before we sell the soul of the Internet to the network owners, a much stronger showing of need should be made. We didn't give GM the right to build the interstate highway system in exchange for GM's right to build the roads to favor GM trucks. Nor should we sell the Internet to broadband providers in exchange for their right to favor some content over others, or choose which applications will define the Internet of the future. In both cases, the strong presumption should be in favor of neutrality. Congress should weigh the costs of corrupting this principle of neutrality before it endorses a policy that permits this rearchitecting of the Internet's core.

2. One concern I have consistently raised elsewhere, including in merger and

monopolization contexts, has been possible limitations being placed on consumer freedom by an access provider, whether an Internet service provider, a cable company, a satellite company, or another Internet access facilitator. Is there a legitimate fear that an Internet mediator might—for one reason or another—decide to limit access to certain sites or drive traffic to other specified sites? If so, what do you believe to be the best method of safeguarding and preserving the freedom of the Internet? It is right to be concerned that access providers will wrongfully constrain consumer freedom. Technology companies have already developed router technology to enable network owners to choose which content will flow quickly, and which content will flow slowly. This technology could enable the blocking of some content, or the disabling of some applications. Cable companies carrying Internet content have already indicated their intent to implement these technologies. And there is nothing this administration is doing that would slow this trend.

The concern about neutral access to the Internet is similar to the concern about access to satellite or cable broadcasts generally. But I believe it is a mistake to equate the two. The harm to innovation and creativity from restrictions to the Internet is more fundamental than the harms caused by restrictions to entertainment.

The reason is that access to entertainment competes directly with many other channels of entertainment. If the choice on cable television is too narrow, then Blockbuster or Netflix provides useful competition. If satellite stations become too expensive, then cable television, or broadcast television—or maybe even a book!—continue to compete. At some point concentration in these channels is a concern, as Jack Valenti has powerfully and rightly testified to Congress.¹ But that is different from the concern I have about the Internet. The Internet is not just, or not only, another way to be entertained. It is instead a platform that will support the broadest opportunity for social and democratic engagement. The Internet is a public street, or park, or library, not a Movieplex. Restrictions on access and control of the Internet are like restrictions on access to the public streets, not like choices Sony Pictures makes about what will run in first-run theatres.

Thus, in my view, you have been right to be concerned about restrictions on access in the context of cable and satellite delivery of entertainment and news. And you have been right to be concerned that citizens generally have access to news about matters of public import. But there is an even stronger reason

¹ See, e.g., Media Ownership: Diversity and Concentration: Hearings Before the Subcomm. on Communications of the Senate Comm. on Commerce, Science, and Transportation, 101st Cong. 611 (1989) (statement of Jack Valenti, President and CEO, MPAA).at 611 ("Therefore, in this free and loving land in which we live, our government ought never allow any tiny group of corporate chieftains or corporate entities, no matter how beignly managed, to ever reassert full dominion over prime time television, which is the most pervasive moral, social, political and cultural force in this country.").

for you to be concerned with restrictions on access in the context of the Internet. Much more is at stake.

I am not certain about the best remedy to this non-neutrality. Network owners have a legitimate interest in selling different levels of service; the market should be allowed to experiment with different modes of delivery. Where there are many different competitors offering comparable broadband service, there is little role for government. But where competition is not adequate, then there is an oversight role for government.

"Open access" requirements are one indirect response to the absence of competition. Alternatively, a simple requirement that any Internet service be implemented neutrally may suffice to remedy any anticompetitive threat.

3. As you know, on the Internet, anyone can self-publish their music, their artwork, Lessig: Testimony January 15, 2002 their writings, and those who are interested in those works can have access to them, and neither the creator nor the consumer necessarily need the mediation of a publisher. Works that are important to a few, but cannot make it in a traditional publishing context, have a place for their fans on the Internet. I have said elsewhere that it would be a great shame if the wide-open access available on the Internet were narrowed down in the way the offline world often is. Could you please explain who you believe should choose where a consumer can go online, the consumer or the Internet mediator, be it an Internet service provider, a software company, or a cable or satellite company, and could you explain why this is an important question?

Losing the freedom of choice that the original architecture of the Internet guaranteed would be far more than a "great shame." Losing the freedom of choice that the original architecture of the Internet guaranteed would be a betrayal of the values of free speech and competition that define our political and social culture.

The original architecture of the Internet showed the world how a decentralized, market-based, neutral platform for innovation could enable the broadest range of creators to produce and exchange creative work. This was not the speculation of some utopian academic or technologist. The early Internet made this possibility a reality, and none can deny the opportunity it created. Lessig: Testimony January 15, 2002

This reality is being changed now, as the original architectural principles of the Internet become corrupted by network owners. As the Internet moves to broadband technology, broadband providers are changing the effective architecture of the original network to re-vest in them control over how innovation on this network proceeds. The original Internet vested that control in consumers and innovators; the new Internet will return that control to the network owners.

This change is happening because government policy encourages it to happen. We are selling the soul of the Internet to network providers because the network providers have convinced policy makers that this is the only way to build out a broadband network.

The network providers in my view are wrong. The policy makers who follow them are misguided. But at a minimum, whether you believe they are wrong or not, Congress has yet to consider the full cost of this corruption in the Internet's core.

I believe fundamentally in the freedom of a network where the people, not, as you rightly describe it, "a network mediator," choose the future. That freedom is the original Internet, which because of its "end to end" design, assured that citizens, not network mediators, controlled how the network developed. There is no good justification for permitting network providers the power to corrupt that original freedom. Yet this is precisely what current administration policy is allowing.

You have been an admirable advocate of balance, Senator Hatch. That balance is just what is needed now in this debate over the network's future.

QUESTIONS OF SENATOR DEWINE

1. Mr. Lessig, you stated in your testimony that an appropriate remedy should try and steer Microsoft toward developing its strategy in regards to the Internet. First, why wouldn't such an objective fall outside the clear confines of the case and thus be an inappropriate goal for a remedy? And second, given the fact that a court found Microsoft to have engaged in significant violations of the antitrust laws, should we be concerned about the company attempting to leverage its operating system monopoly to become dominant at the Internet level?

If this market were stable, and technological progress slow, then it would be appropriate to confine a remedy to the retrospective harm caused by the illegal behavior of Microsoft. But this market is neither stable, and fortunately, progress is not slow. Instead, the particular wrongs that Microsoft was found guilty of are essentially irrelevant to the current competitive context. Forcing a remedy with respect to these alone would neither "unfetter [the] market from anticompetitive conduct," "terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation," nor "ensure that there remain no practices likely to result in monopolization in the future." United States v. Microsoft Corporation, 253 F.3d 54, 103 (DC Cir 2001).

It is for this reason that I believe that the essence of an appropriate remedy must look forward, and ask how best to steer Microsoft in a pro-competitive direction. Given the findings of liability by the District Court, and the pattern of behavior that they affirm, I do believe that you should be worried that Microsoft will try to protect its OS monopoly by leveraging it to control at the Internet level. But as I describe more fully in my written testimony, I also believe that there is a strategy that Microsoft could adopt that would not threaten competition at the Internet level, but could instead strengthen it. If a remedy could steer Microsoft to adopt this competitively benign strategy, that remedy would be a crucial gain for competition generally—even if it did not fully right the wrongs caused in the past.

2. Mr. Lessig, you stated in your testimony that an integral part of the Court's conclusion was its finding that Microsoft had

"commingled code" in such a way as to interfere with the ability of competitors to compete on an even playing field. Do you believe the Justice Department's proposed final judgment adequately deals with this anticompetitive conduct?

I do not believe the proposed final judgment is responsive to this concern. The Court of Appeals recognized a second and important way in which a monopoly firm in a technology market can improperly use its power to inhibit competition. Not only can such a firm use contracts to restrain competition, it can also use computer code to constrain competition. The essence of the District Court's finding was that Microsoft had used its code strategically to disable or hinder competition rather than to give consumers a better choice. That finding was twice upheld by the Court of Appeals—both in its initial opinion, and in the opinion rejecting Microsoft's petition for rehearing.

I am particularly concerned that this aspect of the case is now being ignored by the government. In a recent interview with the Wall Street Journal, for example, Assistant Attorney General Charles James is reported to have said, in response to the observation that "various Internet features are woven more deeply into Windows, offering consumers such benefits as one-click access to the Internet from electronic mail,"² "How would consumers be served if we forced Microsoft to remove that code? ... The market has changed."

This statement betrays a fundamental misunderstanding about the issues in this case as it was litigated and decided by the District Court. No one has ever questioned Microsoft's right to include code that would enable better functionality—in this case, the ability of a user to link from an email message to a browser. The only issue has been the decision by Microsoft to use its power over its code to inhibit consumer choice of which browser. Microsoft has consistently argued that it did not interfere with consumer choice. The District Court and Court of Appeals found to the contrary. See, e.g., Microsoft, 253 F.3d at 66. And in rejecting

Microsoft's request for rehearing about the "commingled code" finding, the Court of Appeals reaffirmed a central aspect of the case: That Microsoft had used its power to design its code in a way that restricted consumer choice without any compensating competitive benefit.

Nothing in the proposed remedy directly addresses this concern. But more troubling to me is that the government seems no longer to even understand it. After convincing a district and appellate court of its view about Microsoft's behavior, the government seems now to have adopted Microsoft's view of its behavior. I have seen no justification offered by the government for this reversal on a central element of its case.

3. Mr. Lessig, you mention that there are problems with the proposed decree aside from enforcement. What are some of the other areas of concern?

As I have just mentioned, the failure of the decree adequately to address "commingled code" is a significant problem. I also believe the failure to require disclosure in the context of security protocols is a significant weakness, as is the failure of the decree fully to define "retaliation."

These weaknesses have been adequately described, in my view, in the Nine Remaining States' December 7th filing with the district court. Except for the questions that I have raised about that filing in my written testimony, I agree generally with the concerns raised by those states.

4. Mr. Lessig, what do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what way is it deficient?

As the Court of Appeals rightly indicated, the objective of a remedy in a monopolization case is extremely broad. Microsoft, 253 F.3d at 103. In general terms, its aim is to recover from the monopolist the fruits of its illegal activity, and assure it can no longer benefit from those illegal gains.

In my view, it is impossible fully to achieve these results in a context where technologies are changing rapidly. The problem is much like trying to remedy any harm caused by the choice of the QWERTY keyboard—at this point too much has been built on the underlying technology, and any remedy that seeks to completely undo what has been done would be more costly than beneficial.

Thus, I think the appropriate distinction for the court to focus is not between monopoly acquisition and monopoly maintenance cases, but between cases where technology is relatively stable, and cases where it is changing quickly. As I've indicated, I don't believe the current remedy achieves the appropriate objectives, given the nature of the changes in the underlying technology.

QUESTIONS OF SENATOR KOHL

1. Professor Lessig, do you believe this settlement is adequate to restore competition in the computer software industry? Why or why not?

The settlement is not adequate to restore competition in the computer software industry. Because the settlement has no effective mechanism for enforcement, it tempts Microsoft to continue the strategic behavior that the District Court and the Court of Appeals found violated the antitrust laws. As this case demonstrates, if it takes four years for Microsoft to "understand the [government's] concerns," Statement by Bill Gates, November 6, 2001, then by the time Microsoft gets it, the harm is already done.

2. (a) Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? If so, what are they?

As I indicated to Senator Dewine, I do believe that there should be additional restrictions on Microsoft's conduct, especially relating to Microsoft's ability to "commingle code." But those additional

² John Wilke, Hard Drive: Negotiating All Night, Tenacious Microsoft Won Many Loopholes, Wall Street Journal, A1 (11/9/01).

restrictions are secondary to an effective mechanism to enforce the decree. As I indicated in my written testimony, without an effective enforcement mechanism, the balance of the restrictions are irrelevant, and with an effective enforcement mechanism, the weaknesses in the restrictions may not matter.

2. (b) Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

The central weakness in the decree is its failure to include an adequate mechanism to enforce the decree. Given the slowness of federal court intervention, the decree creates an effective and continuing incentive for Microsoft to behave anti-competitively. If there were an effective enforcement mechanism (such as an adequately empowered special master), then that incentive would disappear.

3. Critics of this proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft software does not apply with respect to software which has distributed less than one million copies. Are you concerned with this limitation?

I am. I do not see what legitimate interest the limitation serves. The aim of the decree generally is to enable Original Equipment Manufacturers (OEM) autonomy—to enlist OEMs in the competitive process of deciding what bundle of software makes most sense for the consumer. Any burden from new software bundled with an operating system is borne by OEMs, not Microsoft. By establishing that OEMs only have the right to bundle new software if 1,000,000 consumers have downloaded that software on its own, the decree significantly reduces the incentive OEMs have to discover and distribute new, competitive software. This is a significant loss in potential competition that does not, in my view, have any justifying benefit.

January 10, 2002
Senator Patrick Leahy,
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Chairman Leahy:

Thank you very much for the opportunity to respond to written questions from the members of the United States Senate Judiciary Committee. My written responses are attached.

We appreciate the Committee's attention to this matter. Please let me know if you have any additional questions or concerns.

Sincerely,
Mitchell Kertzman
Chief Executive Officer
Cc: Nicolle Puopolo
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510
Fax: 202.224.9516
nicolle.puopolo@judiciary.senate.gov

Date: 1/10/2002 10:43 AM

Sender: Mark Webbink

<mwebbink@redhat.com>

To: nicolle.puopolo
Priority: Normal
Subject: Microsoft Hearing—Written Questions—Responses of Matthew

Dear Nicolle,

Attached are the responses provided by Matthew Szulik, President and CEO of Red Hat, Inc., to those written questions submitted by Senator Leahy in his letter of December 19. I am forwarding a hard copy by Federal Express which you should receive tomorrow.

Mark Webbink
Sr. VP and General Counsel
Red Hat, Inc.

Response to Written Questions
United States Senate Judiciary Committee
Hearing regarding "The Microsoft

Settlement:

Future"
December 12, 2001
A Look to the

Hatch #1

The nine states have chosen to litigate for substantially more than the settlement offers. Commentary that presupposes that the judge will rule against the nine attorneys general in the pending case is tantamount to a request for a denial of due process.

In the recent hearing in which Judge Kollar denied Microsoft an extension of time in which to hear the proposed alternative remedies of the nine states, Judge Kollar also found the proposed alternative remedies to be within the scope of remedies permitted under the order of the Court of Appeals.

The fact remains that the settlement has many substantial structural flaws, each of which can be used independently to circumvent the intended remedy, and all of which together provide Microsoft with a range of options for continuing their abusive behavior and extending their monopoly further. We believe it is vital, not just for the states and the people they represent, but to the technology industry as a whole, that Microsoft not create a monoculture that can collapse catastrophically, but that competition be preserved, so that no single failure can destroy everything. The fact that further consideration of this matter may take an additional two months or two years should not override the public's interest in having Microsoft behave in a legally permissible manner.

Hatch #2

Absolutely. The first issue is to address the obvious technical loopholes and structural flaws that have been identified, as well as to review a revised settlement to address the states' primary concerns:

1. Will Microsoft agree to alter its behavior and cease to stifle innovation and competition by abusing its monopoly? And,
2. Will the settlement offer sufficient powers to enforce actions against Microsoft if it violates the terms of the settlement?

Clearly, Microsoft has settled before, and clearly those settlements proved completely ineffective. No attorney general can, in good conscience, agree to a settlement that will lead to continued abuse through lack of sufficient prescriptions or lack of sufficient enforcement, or both. There are a substantial number of legal authorities who believe that

the remedies contained in the Proposed Final Judgment will do nothing but prompt another round of litigation in the future due to their ineffectiveness.

Hatch #3

A prompt settlement that does nothing except to remove the case from the court will accomplish nothing. The imperfections of the current settlement are so great that we believe it to offer nothing whatsoever to any damaged party, period. As written, the settlement will give Microsoft another 5 year ticket to extend and abuse its monopoly position, and will be an even more formidable adversary 5 years hence. One must also consider why this litigation has been so long in coming to a resolution. That burden does not lie on the Department of Justice and the states. Rather it lies on Microsoft for delaying, albeit within the scope of due process, the resolution of the matter. Our government must have the fortitude to see such matters through to a full and proper conclusion, not cave in to a delaying action intended to exhaust patience.

DeWine #1

The comingling question focuses on a specific symptom, not the root cause. The root cause is that Microsoft is able to use technical means to create de facto standards. Such standards, when placed strategically, are the seeds to future monopoly positions. Debating the issues of comingling and removal of code can shed light on the subject, but only give us a shadow view of the true questions. We believe that remedies proposed by the nine snares about providing documentation, licenses, and in some cases, source code, provides the kinds of remedies which can then be debated in the context of comingling vs. third-party software.

DeWine #2

The current Proposed Final Judgment offers nothing to foster innovation and competition in the market of commercial operating systems. In fact, it may do quite the contrary. During the entire litigation, Microsoft has been a significantly less fierce competitor than they might otherwise have been. If the Proposed Final Judgment is imposed on all parties without modification, it will actually sanction Microsoft's past abusive behavior, and there will be nothing to stop Microsoft from escalating their anticompetitive behavior while remaining within the guidelines of the Proposed Final Judgment. The proposal offered by the litigating states, on the other hand, offers true structural remedies and strong enforcement, creating an environment that will foster innovation and competition, increasing the ability of all technology companies, to invest with greater confidence that they are doing so in a fair and free market environment.

Kohl #1

Not at all. The settlement contains technical and structural loopholes that legitimize, rather than remedy, Microsoft's abusive monopoly. For example, sectiona III J.1 and III J.2 both grant Microsoft sole discretion to determine the applicability of the settlement to its own business practices where such practices have in the past been used to extend and abuse monopoly power.

Thus, the settlement is little more than an opportunity for Microsoft to change its own behavior based on its conscience, not a proscription from the courts. Microsoft has demonstrated, in the case of previous settlements, that they are already acting out their conscience and that the technology industry, the states, and the public are not safe from such actions.

Kohl #2 (a and b)

We are strongly supportive of the nine states' comprehensive alternative to the proposed settlement. We believe that the Proposed Final Judgment as currently drafted cannot easily be fixed by simply fixing errors and omissions, instead, a comprehensive alternative, written by the plaintiffs rather than the defendant, should be considered.

Kohl #3

There are over 100,000 software companies in existence today (source: Craig Mundie, Microsoft SVP of Advanced Development debating Red Hat CTO Michael Tiemann at the O'Reilly Open Source Conference, July 2001), yet only 500 software companies in the Software 500. Of those 500, the vast majority ship fewer than one million copies of anything. Thus, setting the bar at one million copies excludes more than 99.9% of all software companies from receiving any relief whatsoever with respect to this part of the settlement. Of course, several other parts of the settlement also allow Microsoft to further expand and abuse their monopoly position, so the question by itself is more symptomatic rather than fundamental.

Kohl #4

This Proposed Final Judgment will make it harder, not easier to compete, because it will legitimize, rather than remedy Microsoft's abusive behavior. While we believe that on a daily basis Microsoft behaves in ways inconsistent with this settlement (using retaliation or threats of retaliation or coercion against protected classes defined by the settlement), they have been somewhat restrained while the litigation has been pending, if the settlement is accepted, Microsoft will be able to continue the expansion and abuse of their monopoly with impunity, because the settlement actually allows that] Yes, they may have to change some behavior, but fundamentally the proposed settlement gives them all they need to maintain their current status quo. Further litigation is a very expensive way to reduce a defendant's capacity to do further damage, and we would certainly prefer a settlement that actually addresses and remedies Microsoft's abuses. But as written, this proposed settlement addresses and remedies nothing of substance, while giving Microsoft the "all clear" to resume its unhealthy control of innovation and competition. It should be of interest that Red Hat, in markets where Microsoft does not enjoy a monopoly, has been able to compete on technology, performance, and cost. At the same time, Red Hat has elected not to enter the Intel-platform based desktop market, viewing such an effort as futile given Microsoft's monopoly position. Nothing in the Proposed Final Judgment would cause Red Hat to alter that position.

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Date: Thu, 10 Jan 2002 10:43:28 -0500

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<3C3DB6A0.3040102@redhat.com>

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Responses of Charles F. Rule to Judiciary Committee Questions

Leahy Questions

Q1. In your 1997 testimony on the first Microsoft-Department of Justice consent decree, you said that "it seems a bit shortsighted (or perhaps even hysterical) to believe that Microsoft is such a juggernaut that putting extra sand in its saddle bags is justified to even up the odds for the competition." In light of the fact that the Court of Appeals found that Microsoft violated Section 2 of the Sherman Act, abusing its operating system monopoly to the detriment of consumers, do you still believe that it is "hysterical" to inquire into, and seek to end, the company's anticompetitive practices?

A. As you note, the statement in my 1997 testimony refers to the enforcement action brought by the government alleging that Microsoft had violated the terms of its 1995 consent decree. Microsoft was ultimately vindicated in that action, with the Court of Appeals finding that Microsoft had done nothing to violate the terms of that decree. In this most recent action, the Court of Appeals did conclude that certain of Microsoft's practices amounted to monopoly maintenance that violates section 2 and, as my statement to the Committee in December of 2001 explains, the Revised Proposed Final Judgment addresses all that conduct and much more. Having said that, it is worth noting, first, that the Department and states have never alleged, much less proved, that Microsoft achieved its position in the market

illegally. Moreover, as the Court of Appeals held, "the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior." United States v. Microsoft Corp., 253 F.3d 34, 107 (3d Cir. 2001). Second, no matter how one chooses to characterize Microsoft's (or any other company's) competitive prowess, it is never appropriate for the antitrust law—nor is it good policy generally—to put "sand in the saddle bags" of one competitor simply because it is more successful for reasons of skill, foresight or luck. Prohibiting companies from engaging in illegal practices and requiring them to compete on the merits is clearly critical, but "rigging" or trying to alter outcomes of competition on the merits is a bad idea.

Q2. The Tunney Act requires that Microsoft file with the district court "any and all written or oral communications by or on behalf of [Microsoft]... with any officer or employee of the United States concerning or relevant to such proposal, except that any such communications made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone shall be excluded from the requirements of this subsection." You have recently been named as counsel of record," do you believe that this provision requires disclosure of communications by you to the Justice Department prior to the date upon which you became counsel of record? Do you believe it requires disclosure of contacts made on behalf of Microsoft to members of Congress? How do you define power in a way that would be very difficult for courts to redress in the future without recourse to draconian structural relief. Finally, as we saw with the 1995 consent decree, having a seriously flawed settlement can sometimes be worse than having no settlement at all, insofar as it lulls enforcement agencies and the public into a false belief that anticompetitive conduct has been checked while it in fact continues, compounding the underlying problems in the marketplace. Some in the industry have argued that but for the pendency of the current litigation, and the public and judicial scrutiny that resulted, Microsoft's conduct in the marketplace would have been even worse. "concerning or relevant to" the proposed settlement? Do you believe that it covers anything more than the actual negotiations of the decree?

A. First, I personally have been counsel of record for Microsoft since the appeals of Judge Jackson's decision began in 1999. (For those interested, they should review the briefs filed with the Supreme Court and the Court of Appeals.) Moreover, since Microsoft's negotiations with the Department of Justice included representatives of the Plaintiff states, the Tunney Act disclosure includes disclosure of all the negotiations of which I was a part.

Second, the Tunney Act only requires disclosure of contacts with the Executive Branch. To my knowledge, disclosure filings in Tunney Act proceedings (including AT&T's disclosure, for example) are limited to contacts with the Executive Branch.

Third, there is no reason to believe that the phrase "concerning or relevant to" has any

meaning other than the standard definition of the words. Webster's New Collegiate Dictionary indicates that "relating to" and "regarding" are synonymous for "concerning." "Relevant" is defined as "having significant and demonstrable bearing upon the matter at hand." Accordingly, and consistent with the plain meaning of all the words of the statutory provision you quote, Microsoft's disclosure included reportable contacts by Microsoft or its representatives with the Executive Branch that related to the company's negotiations of the settlement with the Department and the Plaintiff states.

Q3. Microsoft's retaliation against OEMs that resisted carrying Microsoft's products featured largely in the evidence at trial, and the proposed settlement seems to address the Court of Appeals' holding that such retaliation violated Section 2 of the Sherman Act. While the settlement does state that Microsoft cannot retaliate against an OEM that is supporting a competing operating system or middleware there is also a "carve-out" to that restriction, which permits Microsoft to provide "consideration to any OEM with respect to any Microsoft product or service where that consideration is commensurate with the absolute level or amount of that OEM's development, distribution, promotion, or licensing of that Microsoft product or service." This seems to permit Microsoft to reward OEMs based on whether they carry Microsoft's products or software; this is just the flip side of "retaliation." How is this different from punishing those who fail to accede to Microsoft's demands?

A. It is important to note that the Court of Appeals did not conclude that Microsoft "retaliated" against any OEM for shipping any competing software (or for any other reason). Moreover, the anti-retaliation provisions of the Revised Proposed Final Judgment contain no "carve-outs." Rather, Microsoft may not retaliate against OEMs, ISVs, and IHVs (independent hardware vendors) because they develop, etc., software that competes with the Windows PC operating systems or Microsoft Middleware. The provision prohibits "retaliation" as that word is commonly understood and defined. The provisos in the relevant sections of the Revised Proposed Final Judgment do not "carve-out" exceptional circumstances in which Microsoft may retaliate against these third parties for their development, etc., of competing software; rather, those provisos simply make certain that in the future no one will try to extend the prohibition to certain conduct that is legitimate and not generally understood to be "retaliation." So for example, the Revised Proposed Final Judgment is written to ensure that it will not be possible to twist the common meaning of "retaliation" to cover situations in which Microsoft seeks legitimately to protect its intellectual property against infringement. The decree also makes clear that legitimate efforts by Microsoft to enforce a contract, including through rights of termination against an OEM that has breached the contract by, for example, refusing to pay royalties due and owing to Microsoft, though Microsoft agreed that it would give an OEM an offer to cure any breach at least two times

during the term of the contract (which currently is one year) are allowed under the Revised Proposed Final Judgment.

Also, as your question indicates, the Revised Proposed Final Judgment makes clear that Microsoft is not "retaliating" if it provides ten times more marketing support to one OEM than to another OEM that ships only one-tenth the number of Windows operating systems compared to the first OEM. The notion that Microsoft has to provide the same level of support to all third parties without regard to the level of development, distribution, promotion or licensing of Microsoft's products or even without regard to whether they carry Microsoft's products or software at all seems absurd. One doubts that OEMs like Dell and Compaq that each year sell millions of PCs installed with a Windows PC operating system would think it fair and reasonable if Microsoft could provide them with no more support than a small OEM in East Asia that installs Windows on none of its PCs. Even without regard to the fairness and reasonableness of such decisions, decisions concerning the allocation of finite resources are what every business, regardless of its size, legitimately must make. It renders the word "retaliation" meaningless to suggest that such legitimate decisions would be proscribed by an "anti-retaliation" provision. However, the fact that Microsoft's competitors would even make such a suggestion indicates why the company negotiated for, and why the Department and settling states agreed to, the clarification.

Q4. Microsoft is given 12 months to come into compliance with this proposed settlement; what tasks must it actually undertake that will require so much time?

A. The Revised Proposed Final Judgment does not become binding and the court's powers of enforcement do not pertain until the court enters the judgment (hence the Department's concern, as we understand it, that the Tunney Act proceeding not be delayed). Nevertheless, Microsoft has stipulated that it will abide by the terms of the Revised Proposed Final Judgment from the date it was submitted to the court for approval. The stipulation did give Microsoft until December 16, 2001, to begin its voluntary compliance with the Revised Proposed Final Judgment; however, with the exception of three substantive provisions of the Revised Proposed Final Judgment which require substantial engineering work, Microsoft is currently complying with the provisions of the decree. With the exception of the creation of the Technical Committee (IV.B) and the term of the Revised Proposed Final Judgment (i.e., when it will expire) (the timing of both is measured from the date the decree is entered by the court), the clock begins to run on Microsoft's obligation to implement the provisions of the Revised Proposed Final Judgment on the date it was submitted to the court (i.e., November 6, 2001).

With respect to the three substantive sections that have not yet become effective, namely sections III.D, III.E, and III.H., all three require Microsoft to engage in substantial engineering work. That work is currently well underway.

In order to comply with section III.D., which requires Microsoft to disclose APIs

and related Documentation used by Microsoft Middleware to interoperate with Windows 2000 or Windows XP (and subsequent versions of PC operating systems), Microsoft must do substantial work to identify the relevant interfaces, determine whether they have already been disclosed and, if not, develop the necessary documentation so third parties will understand what functions they perform and how to use them. Microsoft must disclose the APIs and documentation when it releases the first Service Pack for Windows XP.

Microsoft may also be required to reengineer Microsoft Middleware, as well as Windows 2000 and Windows XP in order to comply with III.D. Because Microsoft has strong commercial incentives to issue the first Service Pack of a new operating system as soon as possible and delay of its issuance (and thus delay of the obligation to disclose APIs) will be costly to Microsoft, the Revised Proposed Final Judgment provides a strong incentive for Microsoft expeditiously to complete the necessary engineering work in order to comply with III.D by in effect holding up the release of the Windows XP Service Pack until disclosure of the relevant APIs and documentation under III.D is completed.

In the case of the "Add/Remove" utility and "defaults" that Microsoft must design and make available to end-users and OEMs under section III.H, significant changes to Windows XP and Windows 2000 must be engineered and made available in subsequent versions of the operating systems. Providing the ship date of the first service pack of Windows XP as the deadline for that work similarly provides a strong incentive to Microsoft to complete the necessary engineering work expeditiously.

In the case of both III.D and III.H, the expectation is that they will become effective well before November 6 of this year (i.e., twelve months after submission of the Revised Proposed Final Judgment to the court). At the time the decree was being negotiated, the company was planning to try to release the first service pack for Windows XP (a major engineering undertaking in itself) by the middle of this year. While Microsoft hopes that timing will not slip significantly, a very substantial engineering burden was imposed on Microsoft by the decree and Microsoft advised the Department and the Plaintiff states of that fact during the negotiations. As a result the twelve months was put in as a "back stop" to provide the Department and the settling states with an absolute drop dead date for compliance with those two provisions. Everyone expects the first service pack of Windows XP to be released well in advance of November 2002.

Section III.E requires Microsoft to identify, document, and make available for third-party licensing Communications Protocols that allow a Windows server operating system to interoperate natively with Windows 2000 or Windows XP.

As explained in my statement to the Committee, the so-called "client-server interop" issue is outside the scope of the Court of Appeals decision, but based on Microsoft's expectation that the Plaintiff states would settle if section III.E were

included in the proposed relief, Microsoft reluctantly agreed to it. However, the provision requires Microsoft to license proprietary information that as a general matter Microsoft previously did not license to third parties. Again, it is a significant undertaking to inventory all the protocols, to develop the documentation for third parties, and otherwise to do the work necessary to license the protocols to third parties. In recognition of the scope of that work, the Revised Proposed Final Judgment provides Microsoft with nine months to accomplish the work (which unlike sections III.D and III.H, is not related to the work being done to develop the first service pack of Windows XP). Thus, starting on August 6, 2002, the relevant Communications Protocols will for the first time be available for third-party licensing.

Q5. The proposed settlement agreement provides that Microsoft's disclosure of APIs and documentation for an updated version of Windows in a "timely manner", and "timely manner" seems to be defined as the time at which Microsoft makes the new Windows version available to 150,000 or more beta testers. Does Microsoft routinely send beta test versions to so many testers? When has it done so in the past? Can't Microsoft avoid the disclosure provision by simply limiting the number of beta testers?

A. In negotiating the decree, both sides understood the need for setting the obligation to disclose APIs and documentation sufficiently late in the development cycle of new products so that Microsoft is able to develop, test, and modify the APIs as well as the documentation of the APIs based on feedback the company gets from third-party testers included in early beta releases. Once the APIs and documentation are "disclosed" under section III.D, they need to be "hardened" or fixed because at that point third parties, particularly middleware vendors, will be writing their own software that calls on those APIs and will be frustrated and may be put to added expense if the APIs are modified significantly before the wide commercial release of the Microsoft platform product. On the other hand, the United States and the settling states insisted that the disclosure occur before the commercial release of the product so that third parties can begin designing products that take advantage of the APIs at the time or shortly after the time the Windows PC operating system containing the APIs or the Microsoft Middleware is released commercially. In the case of Windows PC operating systems, historically the last major beta release before commercial release has involved substantially in excess of 150,000 beta testers; for example, the last major beta release of Windows XP was distributed to more than 500,000 beta testers.

It is inconceivable that Microsoft would forego beta testing or would limit the number of beta testers of a Windows PC operating system in order to avoid section III.D. Quite apart from the seriousness with which Microsoft takes its responsibilities under court orders, a failure by Microsoft to subject its products to extensive beta testing would threaten to exact a heavy toll on Microsoft's goodwill. Without extensive beta testing,

Microsoft would significantly increase the risk of shipping products with major bugs that would engender consumer ill will. It is simply not credible for Microsoft's competitors to assert that Microsoft would subject its business to such a threat and raise questions about its compliance with the decree in order to achieve a temporary "head-start" over competing middleware vendors. The Committee should keep in mind that nowhere in its decision did the Court of Appeals affirm a finding that Microsoft ever failed to disclose APIs or otherwise manipulated disclosure of APIs to give Microsoft middleware an illegal advantage over the competition. Moreover, case law suggests that a monopolist is fully entitled to gain the competitive advantage of its own research and development work by not releasing information about it that might be needed by developers of competing products until after the public release of the company's new products.

Q6. If a PC manufacturer decides that it would like to remove Windows Moviemaker, is that action protected from the ban on retaliation in the proposed settlement? If a representative of a PC manufacturer or a software developer testified before this Committee or before the district court in the on-going states' case, would the settlement ban retaliation against them?

A. Windows Moviemaker is not in the list of Microsoft Middleware Products, nor should it be in light of the Court of Appeals decision. While the United States and the settling states insisted on a very broad (Microsoft believes, an overly broad) definition of "middleware," only a definition that essentially included all PC software would suffice to include features of Windows PC operating systems such as Windows Moviemaker and third-party software that performs similar functionality. The theory of the government's case and the rationale of the Court of Appeals decision is that Microsoft took certain actions (the twelve that the Court of Appeals affirmed) which were designed to exclude Netscape Navigator and Sun's Java technology from the market because separately or together they represented threats to Microsoft's position in the market for PC operating systems. That analysis had plausibility because the Court of Appeals concluded that, by exposing a broad range of general purpose APIs that developers could use to create applications and by having the capability of running on multiple PC operating systems, Navigator and Java had the potential to serve as platforms that could compete with the Windows platform. By contrast, software for displaying and editing movies does not serve as a platform for applications development.

Moreover, the issue of Microsoft's unwillingness to allow OEMs to remove access to the Internet Explorer functionality was only anticompetitive because the Court of Appeals accepted the district court's finding that it impaired Netscape's ability to persuade OEMs to install and ship Navigator on their PCs. The government did not challenge and the Court of Appeals did not conclude that, by itself, Microsoft's practice of continually incorporating new features and functionalities in successive versions of

Windows PC operating systems and insisting that OEMs install and ship Windows with its features and functionalities intact violated the antitrust laws. To the contrary, even under the previous Administration the Department has recognized, as did the Court of Appeals' opinion, that such integration in general is potentially beneficial to software developers who take advantage of the new APIs and consumers. (That insight is what led the Court of Appeals to hold that allegations that software integration amounts to an illegal tie-in must be analyzed under the Rule of Reason and, on that basis, to reverse Judge Jackson's conclusion that the integration of IE into Windows 98 was per se unlawful.)

Against this background, it should be no surprise that the Revised Proposed Final Judgment is silent concerning Microsoft's licensing policies with respect to the ability of OEMs to remove non-middleware features of Windows such as Windows Moviemaker. Indeed, any effort to include in this decree a provision that precluded Microsoft from integrating new features and functionality into Windows and ensuring that end users get all the features and functionalities of Windows, at least other than Microsoft middleware, would be directly contrary to the holding of the Court of Appeals. Microsoft does in its licenses with OEMs require them to ship Windows with all its non-middleware features intact. (OEMs, however, are free to add third party software of any kind, including digital media manipulation applications to computers before they ship, and many do.) An OEM that removed Windows Moviemaker before shipping Windows XP on its PCs would be in violation of its license agreement. As explained in response to question 3 above, legitimately seeking to enforce a valid license or contractual provision that does not violate the Revised Proposed Final Judgment would not be "retaliation" in any conventional sense of that word.

As for the question concerning the possibility of Microsoft retaliating against those who have testified against Microsoft, there is absolutely no basis for suspecting that Microsoft would even consider doing such a thing. Certainly the potential for such retaliation was not part of the plaintiffs' case and formed no part of the decision of the Court of Appeals. Nevertheless, the Revised Proposed Final Judgment makes clear (sections III.A.3 and III.F.1.b) that Microsoft cannot retaliate against any OEM, ISV or IHV, including those who testified against Microsoft, because that third party chooses to exercise any of the options provided by the Revised Proposed Final Judgment.

Q7. Software developers that take advantage of the middleware API disclosure are required by the proposed settlement to cross-license their products back to Microsoft. Presumably this is of great benefit to Microsoft, but how does it fit into remedying the antitrust violations found in court?

A. Nothing in the Revised Proposed Final Judgment requires software developers to license their products to Microsoft, whether or not the developers choose to use the new middleware APIs that Microsoft is obligated

to disclose. Paragraph III.I. requires Microsoft to license to certain third parties any Microsoft intellectual property that is necessary for them to exercise the options and alternatives provided under the Revised Proposed Final Judgment. Subpart 5 states that those parties "may be required" to license to Microsoft any intellectual property they may have relating to the exercise of such options or alternatives on "reasonable and nondiscriminatory terms" so that Microsoft can comply with the Revised Proposed Final Judgment by offering those options and alternatives to those parties without running afoul of intellectual property law. This provision simply facilitates implementation of the decree provisions.

Q8. The provision of the proposed settlement addressing the availability of server communications protocols refers to protocols that are "used to interoperate natively, i.e., without the addition of software code to the client operating system product, with a Microsoft server operating system product." I am confused about the meaning of "natively," and the Competitive Impact Statement does not clarify it. As the issue of Microsoft's possible abuses in the server arena are even now before the European Union's antitrust enforcement branch, I am interested to know precisely what your proposal accomplishes, and whether it addresses the EU's concerns as well?

A. The "client-server interoperability" provision (section III.E) is one example where the Revised Proposed Final Judgment addresses an issue that has nothing to do with the Court of Appeals' decision. Microsoft agreed to that provision in order to settle this case and move forward in a positive posture with the federal and state governments. In particular, Microsoft agreed to the provision based on its expectation that if it did the states would agree to the Revised Proposed Final Judgment. Section III.E. requires Microsoft to disclose Communications Protocols used by Windows to interoperate with Microsoft server operating systems. The term "natively" means that the interoperation is directly between a Windows PC operating system such as Windows XP and a Microsoft server operating system product as opposed to communications between a Microsoft server and a program running on top of such PC operating systems. As Microsoft understood the concern that the provision was designed to address, the plaintiffs wanted to prevent Microsoft from leveraging its position in PC operating systems to harm competition in server operating systems. I have not consulted with the EU on either the Revised Proposed Final Judgment or its investigation, and so cannot represent whether or not this provision addresses any concerns the EU may have.

Q9. The proposed settlement's prohibition on retaliation against software developers creates an exception from that prohibition for agreements that "are reasonably necessary to and of reasonable scope and duration" in connection with obliging a developer to use, distribute, promote, or develop software for Microsoft. What do you envision that exception to cover, and more importantly,

what does it leave within the ban against retaliation?

A. This question seems to reflect a misreading of section III.F of the Revised Proposed Final Judgment. The "exception" for reasonably ancillary contractual limitations applies to subsection III.F.2 (which prohibits Microsoft from conditioning the grant of consideration on an ISV's refraining from developing, etc., any competing software) rather than to the "anti-retaliation" prohibition of III.F. 1. In response to question 3, I have explained that the anti-retaliation provisions of the Revised Proposed Final Judgment contain no "carve-outs" or "exceptions."

The exception language in section III.F.2 simply makes clear that Microsoft may engage in the routine business practice of collaborating with third parties that wish to use, distribute or promote Microsoft software or to develop software together with Microsoft. To the extent that Microsoft enters into such agreements, it may place limitations on the third parties if the limitations are carefully tailored and reasonably necessary in relation to the bona fide contractual arrangement between Microsoft and the third party. The law has long recognized that legitimate ancillary restraints are often critical to procompetitive collaborations, and this exception simply reflects that recognition. There is nothing in the Court of Appeals decision or in public policy to suggest that such an exception is inappropriate. Indeed, in the absence of this provision, Microsoft would be reluctant or unable to enter into many procompetitive collaborations—a result that would restrict opportunities for third parties and potential benefits for consumers.

Q10. The proposed settlement permits the removal of the Internet Explorer icon, but as I understand it, even if a user chooses to remove Internet Explorer, IE will continue to pop up in MyDocuments, MyMusic, and MyPictures. Is this understanding correct, and if so, how can a user ever be free of Internet Explorer?

A. The creation of default opportunities for third-party middleware (section III.H.2) is another area where the Revised Proposed Final Judgment actually goes beyond the decision of the Court of Appeals. The whole concept of "defaults" is a reflection of how Microsoft historically has chosen to design its operating systems to provide extensive opportunities for non-Microsoft software, even when that software duplicates functions already provided by Windows. Generally, operating systems (Microsoft's as well as those of its competitors) are a set of integrated functionalities and are designed to rely on and invoke those internal functionalities to perform various tasks. So for example, when the end user asks Windows to perform a task that requires displaying information in HTML (the format of the Web), Windows invokes its internal HTML display software, which is Internet Explorer. (And, of course, by utilizing the Windows API set, ISVs can also invoke the Windows HTML display software). Over time, the designers of Windows have chosen to give ISVs the opportunity to take over certain functions—typically to open and

display certain file types (e.g., .him files)—in circumstances in which the designer believes will enhance the end-user experience. On the other hand, if allowing a third party to take over a function would disrupt the integrated experience for an end user, Windows generally does not provide a third-party default opportunity.

In the case against Microsoft, the Department and the Plaintiff states alleged that Microsoft's design of Windows to "override" the OEMs' or end-users' choice of a default browser in certain circumstances (for example, in the case of Windows Help and Windows Explorer) amounted to illegal monopoly maintenance. (As explained above, it is more accurate to say that Microsoft in designing Windows chose not to create a default opportunity with respect to certain aspects of Windows where an integrated experience seemed more appropriate.) While the plaintiffs prevailed on this point in the district court, this was one of those aspects of the district court's decision that the Court of Appeals expressly reversed. *United States v. Microsoft*, 253 F.3d 34, 67 (DCCir. 2001). The Court of Appeals ruled that "Microsoft may not be held liable for this aspect of its product design."

Notwithstanding this clear Microsoft victory, the United States and the settling states insisted that Microsoft be required to design future versions of its Windows PC operating systems in such a way as to guarantee OEMs and third-party vendors of middleware default opportunities in those circumstances described in section III.H.2. Those opportunities apply not just to Internet browsing software but to any third party software that meets the definition of middleware. To some extent that may require Microsoft to design the operating system in a way that allows third-party middleware to interject itself in ways that disrupt the integrated end-user experience; however, Microsoft agreed to III.H.2, despite the absence of a basis for it in the Court of Appeals decision, in order to settle the case.

Q11. In 1995, the Department and Microsoft entered into a Consent Decree. Two years later, the Department sued Microsoft for contempt of the Decree when Microsoft and the Department disagreed over the meaning and correct interpretation of certain provisions of the Decree, including the meaning of the word "integrate" as that term was used in the Decree. Given the prior litigation between the Department and Microsoft over the proper interpretation of the 1995 Consent Decree, do you agree that Microsoft and the Department should have a common, explicit understanding of the meaning and scope of this proposed Final Judgment before it is entered?

A. The Department and Microsoft entered into their first consent decree in 1994, and Microsoft began its compliance immediately. The decree was not approved by the court until 1995. The Department and Microsoft had a common understanding of that decree, but over time the Department personnel involved in the negotiations left the Department and new personnel instituted the litigation in 1997. In 1998, the Court of Appeals confirmed that Microsoft's interpretation of the decree was likely

correct, and that Microsoft had not violated the decree.

It is important that Microsoft and the Department have a common understanding of the Revised Proposed Final Judgment to avoid unnecessary litigation in the future. Microsoft is confident that the extensive negotiations in this case have resulted in a clear agreement between the parties involved. Indeed, a great deal of the mediation process was devoted to developing technical concepts and clear language to ensure that there was a clear meeting of the minds concerning Microsoft's obligations under the decree. While Judge Jackson's now-vacated June 2000 judgment may seem clear to a non-technical lawyer, it is largely technical "gibberish," and the reasons for many of the changes in the language in analogous provisions of the Revised Proposed Final Judgment were to make the provisions meaningful and to avoid the sorts of disputes about which you speak. Because the software design and disclosure issues addressed by the Revised Proposed Final Judgment are inherently complex and technical (far more so than any other antitrust decree of which I am aware), it is no surprise that the language of the Revised Proposed Final Judgment Would seem complex. However, the language of the Revised Proposed Final Judgment is infinitely clearer and less ambiguous than that of Judge Jackson's order (or the proposed remedies of the non-settling states), and thus infinitely less likely to engender never-ending disputes between the United States and Microsoft. Moreover, the Technical Committee is designed to ensure prompt resolution of any issues that may arise over the application of the technical language to specific factual circumstances.

Q12. Do you agree that the meaning and scope of the proposed Final Judgment as agreed upon by the Department and Microsoft should be precise, unambiguous and fully articulated so that the public at large can understand and rely on your mutual understanding of the Judgment?

A. Yes, that is an important goal; however, the ultimate test is whether the language is understood and meaningful to the parties and to the courts which must interpret it. Given the government's objective of imposing prohibitions and obligations concerning Microsoft's design of the Windows PC operating system and Microsoft middleware, it was essential, as explained in response to question 11, that the Revised Proposed Final Judgment use technical terms that may be foreign to the lexicon of most members of the public. Any effort to make the language easily understood to those unskilled or unfamiliar with software technology would be a prescription for enforcement disaster. Given the inherently complex and technical subject matter of the Revised Proposed Final Judgment, I am convinced that the language is as "precise, unambiguous and fully articulated" as is possible.

A knowing comparison to the language in Judge Jackson's judgment or the proposed remedies of the non-settling states makes clear how vastly better a job the Revised Proposed Final Judgment does in providing a precise, meaningful, and enforceable set of provisions than either of those alternatives.

Q13. If Microsoft and the Department were to disagree about the correct interpretation of one or more important provisions of the proposed Final Judgment, would you consider that to be a potentially serious problem?

A. There is no one who wants to avoid disputes over the correct interpretation of the decree more than Microsoft. Even though Microsoft was ultimately vindicated in its interpretation of the 1995 decree when a dispute arose between Microsoft and the Department, the process of obtaining that vindication was very painful and costly to the company. One of Microsoft's principal goals in the negotiations that led to the Revised Proposed Final Judgment was to develop concepts and language on which Microsoft and the plaintiffs had a clear meeting of the minds and which could be understood and fully complied with by the company and its thousands of employees. As explained in response to earlier questions, measured by that standard, the Revised Proposed Final Judgment does a vastly better job than any of the alternatives of which I am aware.

Q14. Do you agree that it would be highly desirable to identify any significant disagreement between Microsoft and the Department over the correct interpretation of the proposed Final Judgment now, before the Judgment is entered by the Court, rather than through protracted litigation as in the case of the 1995 Consent Decree?

A. While it is certainly preferable to identify disagreements before rather than after the Revised Proposed Final Judgment is entered, we spent countless hours negotiating this agreement with the Department and the states with the help of court-appointed mediators, and are confident that we have a clear agreement. As I explained in response to the previous questions, one of Microsoft's principal objectives in the negotiation was to develop a decree that would avoid the sort of litigation, which Microsoft ultimately won, that arose out of the 1995 Consent Decree. (I should also note that the 1997 litigation was resolved by the Court of Appeals, in Microsoft's favor, within nine months of the Department's petition for relief.) It was imperative that we have a decree with a clear meaning to both the Department and Microsoft that would retain its clarity even as the personnel in the Department changes. That said, it is probably impossible to craft language that is so clear that disputes over its meaning are inconceivable. However, while I would not contend that the negotiations achieved perfection, the Revised Proposed Final Judgment is significantly less prone to dispute than the alternatives, such as Judge Jackson's now-vacated June 2000 judgment or the non-settling states' proposed relief. Moreover, to the extent legitimate disputes do arise in the future that cannot be resolved by other means, the courts remain our society's best vehicle for resolving such disputes.

Q15. Can the public at large rely upon the Department's Competitive Impact Statement as the definitive interpretation of the nature and scope of Microsoft's obligations under the Final Judgment? If not, then what is the mutually understood and agreed-upon

interpretation of the meaning and scope of Microsoft's obligations under the Final Judgment?

A. The Competitive Impact Statement was prepared pursuant to the Department's obligations under the Tunney Act. It has the same legal force that the Tunney Act gives any Competitive Impact Statement.

Q16. Does the Competitive Impact Statement accurately reflect Microsoft's interpretation of the proposed Final Judgment?

A. Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing "remedies" litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee.

Q17. Recognizing that the Department's Competitive Impact Statement cannot address every conceivable issue that may arise in the future concerning the proposed Final Judgment, is there anything stated in the Competitive Impact Statement with which Microsoft disagrees?

A. See the answer to question 16.

Q18. Has Microsoft informed the Department that it has any disagreement with the Department's interpretation of the Final Judgment as set forth in the Competitive Impact Statement?

A. See the answer to question 16.

Q19. Does Microsoft disagree with anything stated in the Department's Competitive Impact Statement concerning the meaning and scope of the proposed Final Judgment?

A. See the answer to question 16.

Q20. Will you commit on behalf of Microsoft to inform this Committee in writing of each and every statement in the Department's Competitive Impact Statement with which Microsoft disagrees? Will you commit to do so within the next 15 days so that the public can understand what disagreements Microsoft has with the Competitive Impact Statement before the Tunney Act comment period expires?

A. See the answer to question 16.

Q21. Was there anything in Assistant Attorney General James' testimony before this Committee concerning the meaning and interpretation of the proposed Final Judgment with which Microsoft disagrees?

A. I thought the testimony of AAG James accurately described the Revised Proposed Final Judgment, and nothing I have seen or heard since November 6th leads me to change my view that the Revised Proposed Final Judgment reflects a clear meeting of the minds between Microsoft on the one hand and the Department and the settling states on the other.

Q22. The Department's Competitive Impact Statement states at page 38 that, "if a

Windows Operating System Product is using all the Communications Protocols that it contains to communicate with two servers, one of which is a Microsoft server and one of which is a competing server that has licensed and fully implemented all the Communications Protocols, the Windows Operating System Product should behave identically in its interaction with both the Microsoft and non-Microsoft servers." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

A. See the answer to question 16.

Q23. The Department's Competitive Impact Statement states at page 36 that: "Section III.E. will prevent Microsoft from incorporating into its Windows Operating System Products features or functionality with which its own server software can interoperate, and then refusing to make available information about those features that non-Microsoft servers need in order to have the same opportunities to interoperate with the Windows Operating System Product." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

A. See the answer to question 16.

Q24. The Department's Competitive Impact Statement states at page 37-37 that: "Because the Communications Protocols must be licensed for use' by third parties, the licensing necessarily must be accompanied by sufficient disclosure to allow licensees fully to utilize all the functionality of each Communications Protocol." Does Microsoft agree that this accurately states one objective of Microsoft's obligations under section III(E) of the proposed Final Judgment?

A. See the answer to question 16.

Heatch Questions.

Q1. Concerns have been voiced about potential "loopholes" that might be created by ambiguities in various definitions that are fundamental to determining Microsoft's responsibilities under the settlement. Do you agree that the "Competitive Impact Statement" accurately memorializes the spirit and underlying considerations of the Proposed Settlement agreement; and do you further agree that it should be used as an authoritative interpretive guide in settling disputes about the practical application of the Proposed Settlement?

A. The Competitive Impact Statement was prepared pursuant to the Department's obligations under the Tunney Act. It has the same legal force that the Tunney Act gives any Competitive Impact Statement.

Ultimately, the language of the Revised Proposed Final Judgment controls. Contrary to the assumption in the question that the proposed judgment is full of loopholes, it is not. Both sides spent five weeks full time working out technically complex concepts and reducing them to language that both sides agreed to and understood. Both sides worked long hours on crafting the precise wording of the Revised Proposed Final Judgment, and while the language is technical and somewhat complex, reflecting the subject matter of the judgment, it is vastly clearer, more precise, and understandable to

those bound by the decree and to those who must enforce it than any of the alternatives ever suggested, including Judge Jackson's now-vacated June 2000 order and the relief proposed by the non-settling states.

Q2. Could you please identify the specific aspects of the Competitive Impact Statement that you believe do not accurately represent Microsoft's understanding of the Proposed Settlement? And, to the extent you believe that the Competitive Impact Statement is inaccurate, would Microsoft be willing to provide a detailed description of these perceived inaccuracies along with specific language describing Microsoft's understanding of the issue, language, or provision, the accuracy of which Microsoft disputes?

A. Microsoft did not participate in the preparation of the Competitive Impact Statement. The language of the Revised Proposed Final Judgment was carefully negotiated and means what it says. The Department's Competitive Impact Statement has the same legal force and effect in this case as in any other. Beyond that I cannot go in light of the facts that the Tunney Act proceeding is currently under way before Judge Kollar-Kotelly and that the non-settling states are attempting to raise various issues concerning the Competitive Impact Statement as part of the ongoing "remedies" litigation also before Judge Kollar-Kotelly. Once that litigation is completed, I may be in a better position to discuss these issues with the Committee.

Q3. In your written testimony (p. 9) you briefly address the Proposed Settlement's prohibition of retaliation by Microsoft against computer makers. You summarize the provision in the settlement stating that "Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in [Microsoft's] Windows operating system." Id. Concerns, however have been raised regarding perceived limitations on this anti-retaliation provision. Could you explain either why the perceived caveats were included in the anti-retaliation provision as well as why you believe that these perceived caveats do not actually allow Microsoft to engage in substantial retaliation against computer makers?

A. The Revised Proposed Final Judgment makes clear that Microsoft may not retaliate against OEMs, ISVs, and IHVs because they develop, etc., software that competes with the Windows PC operating systems or Microsoft Middleware. The provision prohibits "retaliation" as that word is commonly understood and defined. The provisos in the relevant sections of the Revised Proposed Final Judgment do not provide opportunities for Microsoft to circumvent this prohibition; rather, those provisos simply provide some certainty that in the future no one will try to extend the prohibition to certain conduct that is legitimate and not generally understood to be "retaliation." So for example, the Revised Proposed Final Judgment is written to ensure that it will not be possible to twist the common meaning of "retaliation" to cover situations in which Microsoft seeks legitimately to protect its intellectual

property against infringement. The decree also makes clear that Microsoft may enforce a contract, including through rights of termination against an OEM that has breached the contract by, for example, refusing to pay royalties due and owing to Microsoft. Microsoft's ability to enforce valid OEM agreements that do not violate the decree is qualified, however, because section III.A requires Microsoft to give an OEM the opportunity to cure any breach at least two times during the term of the contract (which currently is one year).

Q4. Is it your position that the anti-retaliation provision does in fact prohibit Microsoft from all forms of retaliation against computer software makers that choose to ship software that competes with Microsoft products; and, if not, how do you answer the criticisms that the provision is insufficient to effectively prevent retaliation?

A. See the answer to question 3.

Q5. Several media sources and commentators have reported that major computer makers—or "OEMs"—such as Hewlett Packard, Compaq, Dell, and Gateway, are heavily dependent on Microsoft, which—some have argued—may explain the lack of vocal opposition by these companies to the Proposed Settlement. With this in mind, how can the Proposed Settlement's substantial reliance on these companies to incorporate software that competes with Microsoft products on the computers they), distribute be trusted to result in actual competition in the middleware market?

A. The Department and the plaintiff states are probably in the best position to explain the theory of their case and their request for relief. Nevertheless, both the premise of much of the case and of much of the relief proposed by anyone in this case has been that competition will be enhanced if Microsoft is prevented from retaliating against or favoring OEMs on the basis of their decisions whether or not to distribute, support, etc., software that competes with Microsoft's PC operating systems or middleware. The United States and settling states insisted on sections III.A and III.B to eliminate Microsoft's ability to harm or favor OEMs based on their decisions to support, vel non, software that competes with Microsoft platform software. In addition, section III.C ensures OEMs that they will have freedom to install and feature non-Microsoft middleware, and section III.H even obligates Microsoft to design its future operating systems in ways that make it easier for OEMs (and end users) to display non-Microsoft middleware.

The Revised Proposed Final Judgment thus eliminates what the United States and Plaintiff states perceived as disincentives for OEMs to install and feature non-Microsoft PC operating systems and middleware, and the proposed judgment creates a number of new incentives and opportunities for OEMs to install and feature such software. It is noteworthy that even before these new protections for OEMs were put in place, OEMs were shipping non-Microsoft software, like the AOL client or RealNetworks media software, that fits within the Revised Proposed Final Judgment's broad definition

of middleware. Indeed, AOL currently has a major advertising campaign with broadcast commercials advising PC owners that "AOL is already installed on most computers, probably even yours." It is also worth noting that the Court of Appeals did not conclude that Microsoft "retaliated" against any OEM for shipping any competing software.

Q6. Could you please explain, in detail, what incentives you believe will actually lead OEMs to install software that competes against Microsoft software? Are you aware of particular competing software that OEMs might currently wish to install in favor of similar Microsoft products?

A. As explained in response to question 5, OEMs are already shipping a lot of non-Microsoft middleware. If there is any doubt, I invite anyone to visit their local PC retailer and discover all the preloaded non-Microsoft software that OEMs are already offering on the PCs they ship. The AOL and RealNetworks examples in the response to question 5 are not alone. The Revised Proposed Final Judgment provides OEMs with flexibility to hide access to certain features in Windows if those OEMs wish to promote non-Microsoft software in lieu of the Windows features. As explained in my answer to other questions from the Committee, the Court of Appeals upheld the district court's finding that OEMs were less likely to install non-Microsoft Web browsing software if they were not allowed to hide the icons for Internet Explorer. OEMs will now be free to do so for Web browsing and other categories of software. Whether OEMs really wish to hide access to features of Windows, of course, remains to be seen. Nevertheless, the important point is that the Revised Proposed Final Judgment removes any obstacle posited by the plaintiffs in the case and provides significant new opportunities for installing non-Microsoft middleware products on PCs running Windows.

Q7. With respect to concerns raised regarding the lack of a strong enforcement mechanism in the Proposed Settlement, could you please expand upon the reason that you believe the Proposed Settlement ensures effective enforcement? Could you also explain your view of how enforcement will occur? Finally, could you explain why—assuming that this is your position—the proposed alternative enforcement mechanisms are either unnecessary, undesirable, or both?

A. As stated in my testimony, the enforcement provisions in the Revised Proposed Final Judgment are unprecedented in a cM1 antitrust decree. While enforcement authority resides with the Department and the settling states (as parties to the settlement), the Revised Proposed Final Judgment puts an independent Technical Committee on the Microsoft campus with broad authority and unlimited access to company facilities, personnel and intellectual property—including the most sensitive of Microsoft's proprietary software code. The Technical Committee is intended to help monitor and resolve any technical issues that arise in an expeditious and expert manner without putting Microsoft's legitimate intellectual property rights at risk of confiscation. As for interpreting the legal

meaning of the Revised Proposed Final Judgment and expertly and effectively utilizing enforcement mechanisms to ensure that the judgment is complied with, the Department of Justice and the states quite understandably felt that there is no one in the world with their experience in interpreting and enforcing antitrust decrees. As a consequence they negotiated for and obtained, a complete set of the enforcement powers that the Department historically has obtained in antitrust judgments. Moreover, they demanded and obtained judgment provisions that ensure that the Technical Committee will not in any way undermine or abrogate those powers.

All of the alternative enforcement mechanisms that have been proposed by third parties would really add nothing to the power of the Department and the states to enforce a judgment. If anything they would add layers of bureaucracy and potentially undermine the Department's control over enforcement of the decree. For example, some have suggested the need for a special master. No one argues that a master is a substitute for the Technical Committee; rather, the master would be a complement to deal with legal issues. The Department, however, does not need help dealing with legal issues surrounding consent decrees; it is the nation's leading expert on such issues. Moreover, because the master could not assume Article III powers, Microsoft would be able to appeal any decision to the district court and beyond, thereby delaying final resolution of disputes. On the other hand, a master could interfere with the legitimate and routine exercise of the Department's constitutionally based prosecutorial discretion.

DeWine Questions

Q1. Mr. Rule, in your testimony you have gone to great length to explain how certain portions of the government's case were dropped or thrown out during the course of litigation. Does Microsoft acknowledge that it violated the antitrust laws?

A. Microsoft certainly acknowledges that the Court of Appeals held that certain of Microsoft's conduct amounted to monopoly maintenance in violation of section 2 of the Sherman Act. The reason that Microsoft went so far in the negotiations with the Department of Justice and the states—as my testimony explained, the Revised Proposed Final Judgment covers conduct and products that were never part of the case—was to close this contentious chapter in the company's history and move forward in a new, more constructive manner with the Department and the states. Unfortunately, several of the states that had less involvement in the litigation and negotiations than the states that settled decided to hold out for relief that not only has nothing to do with the Court of Appeals decision but is also confiscatory, anticompetitive, and in many cases unintelligible. As a result, Microsoft has had no choice but to continue litigation and must preserve its full ability to defend itself, including its right if necessary to seek review of the Court of Appeals' decision.

Q2. Mr. Rule, many within the high tech industry have argued that the antitrust laws are overly cumbersome when it comes to

promoting competition within the fast-changing industry. Is this Microsoft's position?

A. No, Microsoft recognizes that the antitrust laws have an important role in protecting the benefits of competition in all industries, including high technology.

Q3. Mr. Rule, What do you believe are the appropriate objectives of remedies in monopolization cases such as this? Do you believe the case law supports a position that monopoly acquisition cases should be treated differently than monopoly maintenance cases? Finally, do you believe this settlement fully achieves the appropriate remedy objectives? If not, in what ways is it deficient? And in what ways, if any, do you believe it reaches beyond the case?

A. At pages 4 and 5 of my testimony to the Committee, I quoted the language of the Court of Appeals' decision and the comments of Judge Kollar-Kotelly concerning the scope of remedy. Moreover, in a recent article in the ABA's Antitrust magazine, Assistant Attorney General Charles James provides an analysis of the legal basis for relief in a case such as this. Also, it is worth recalling that the Court of Appeals quoted the antitrust treatise of Professors Areeda and Hovenkamp, to the effect that "[r]e] existence of an exclusionary act does not itself justify full feasible relief against the monopolist to create maximum competition.... Absent such causation [i.e., between the conduct and creation or maintenance of monopoly power], the antitrust defendant's unlawful behavior should be remedied by "an injunction against continuation of that conduct." *United States v. Microsoft Co/p.*, 253 F.3d 34, 106 (DC Cir. 2001), quoting 3 AREEDA & HOVENKAMP, ANTITRUST LAW ¶650a, at 67. Moreover, the court noted that "the District Court expressly did not adopt the position that Microsoft would have lost its position in the OS market but for its anticompetitive behavior." 253 F.3d at 107. The court concluded its review by stating that any remedy "should be tailored to fit the wrong creating the occasion for the remedy." *Id.* As this analysis suggests the case law does support the proposition that the remedial objectives are different in cases of monopoly acquisition as opposed to monopoly maintenance, particularly where, as here, the causal connection between the defendant's position in the market and the illegal conduct is tenuous at best.

Evaluated against the backdrop of the relevant caselaw, the Revised Proposed Final Judgment goes substantially beyond what the law required for a remedy in this case. To cite just a few examples, the definition of middleware is much broader and more inclusive than the conception of middleware at issue in the Court of Appeals decision. Several of the central, most onerous provisions of the Revised Proposed Final Judgment involve conduct that was not even addressed by the Court of Appeals. For example, nothing in the Court of Appeals decision suggests that the way in which Microsoft has made APIs and related documentation available to third parties violated the Sherman Act; yet, Microsoft has agreed to a whole regime of compulsory API

disclosures for middleware. Similarly, nothing in the decision even calls into question charging different OEMs different royalties for Windows licenses, but the Revised Proposed Final Judgment requires Microsoft to charge the top 20 OEMs uniform royalties. Nothing in the decision suggests that Microsoft ever has retaliated against any OEM, ISV or other company because it supported or shipped competing software; yet, Microsoft agreed to several provisions prohibiting such retaliation. And Microsoft is obligated to license its client-server communications protocols despite the fact that the so-called client-server interop issue was not raised in the District Court much less before the Court of Appeals. In contrast, I have yet to hear a credible argument as to how, in light of the Court of Appeals opinion, the Revised Proposed Final Judgment is deficient.

Q4. Some believe that unless Microsoft is prevented from commingling operating system code with middleware code, competitors will not be able to truly compete in the middleware market. Because the code is commingled, the Microsoft products cannot be removed even if consumers don't want them. It seems to me that this deters competition in at least two respects. First, as the Appellate Court found, commingling deters computer manufacturers from pre-installing rival software. And second, it seems that software developers are more likely to write their programs to operate on Microsoft's middleware if they know that the Microsoft middleware will arrays be on the computer whereas competing products will not. Even if consumers are unaware that code is commingled, shouldn't we be concerned about the market impact of commingling code? What is the upside of allowing it to be commingled, and on the other hand, what concerns are raised by removing the code?

A. First, it is important to emphasize that the Revised Proposed Final Judgment does address the issue of commingling of code as that issue was relevant in the Department's case and the Court of Appeals opinion. The only objection to commingling advanced in the case was that it made it impossible for OEMs to remove end user access to Internet Explorer. Section III.H of the Revised Proposed Final Judgment obviates any such concern by requiring Microsoft to design its Windows PC operating systems in such a way as to enable OEMs and end users to remove end user access to Microsoft middleware and replace it with access to non-Microsoft middleware. Given the theory of the case, the record developed in the lower court, and the decision of the Court of Appeals, this provision of the Revised Proposed Final Judgment provides a complete remedy.

Second, as Assistant Attorney General James indicated in response to one of the questions of the Committee during the hearing, the plaintiffs never sought to prevent Microsoft from integrating functionality into its operating systems or from exposing that functionality through APIs to ISVs. Indeed, as I understand, even the Department's proposed divestiture remedy which was adopted by Judge Jackson, kept a single, intact operating system company so as to

prevent "balkanization" of the Windows platform. Moreover, the Court of Appeals decision clearly recognized the benefits of integration in the area of platform software and the benefits of the ubiquity of the API set of Windows. The Court's discussion of "commingling" did not reflect hostility to ubiquitous dissemination of APIs. Any remedy that allowed OEMs to remove code and APIs from Windows would be unworkable: third party developers and their customers would suffer because their applications would not run properly, assuming they would run at all, if OEMs removed code exposing APIs. Indeed, it would make no sense to obligate Microsoft to disclose new APIs (as the Revised Proposed Final Judgment does) while at the same time allowing OEMs to create versions of Windows from which APIs are removed, rendering the disclosed APIs useless to developers.

Q5. Many believe that this settlement proposal merely requires Microsoft to stop engaging in illegal conduct, but does little in the way of denying Microsoft the benefits of its bad acts. First, how would you answer these critics? Is this just a built-in reality of civil antitrust remedies, that they don't really aim to punish? And second, do you believe the remedy here is strong enough to dissuade other potential monopolists from engaging in the type of conduct in which Microsoft engaged?

A. The Revised Proposed Final Judgment goes well beyond halting the specific acts found to violate the antitrust laws. It is true that the purpose of a civil antitrust decree is to remedy the violation rather than punish the offender, but the decree in this case provides very strong relief beyond the markets and practices at issue in the underlying case. This remedy will change the way Microsoft does business and is more than what the law requires. As both the trial court and the Court of Appeals recognized, the plaintiffs failed to prove that Microsoft benefited from any of its acts that were held to violate the Sherman Act, so no basis exists for requiring that Microsoft be denied any such benefits. Moreover, while it is well-established in the law that punishment and deterrence are not a proper objective of a consent decree in a civil antitrust case, there is no question that the cost to Microsoft of this litigation, the follow-on private, treble damage actions, and the far-ranging nature of the Revised Proposed Final Judgment send a powerful signal to Microsoft and other firms all across the economy.

Kohl Questions

Q1. Mr. Rule, in the past your client Microsoft has been adamant in denying it was a monopolist—despite its 95% share of computer operating systems—and that it in any way violated the antitrust laws. Now, the unanimous DC Circuit Court of Appeals has ruled that Microsoft indeed is a monopolist and indeed acted illegally to maintain its monopoly. Will this ruling—and Microsoft's experience in this litigation—in any way chasten Microsoft into behaving more responsibly? Is Microsoft now willing to recognize that it is a monopolist and, as a result, has obligations to deal with competing businesses in a way that would not exist if

did not have monopoly power in its business?

A. Microsoft certainly acknowledges that the Court of Appeals held that Microsoft possesses monopoly power and that certain of Microsoft's conduct amounted to monopoly maintenance in violation of section 2 of the Sherman Act. Moreover, the Revised Proposed Final Judgment represents Microsoft's extensive concessions to relief that go far beyond what the company believes the Department and states had a right to obtain under the applicable precedents—as my testimony explained, the Revised Proposed Final Judgment covers conduct and products that were never part of the case. The reason that Microsoft went so far in the negotiations with the Department of Justice and the states was to close this contentious chapter in the company's history and move forward in a new, more constructive manner with the Department and the states. Unfortunately, several of the states that had less involvement in the litigation and negotiations than the states that settled decided to hold out for relief that not only has nothing to do with the Court of Appeals decision but is also confiscatory, anticompetitive, and in many cases unintelligible. As a result, Microsoft has had no choice but to continue litigation and must preserve its full ability to defend itself, including its fight if necessary to seek review of the Court of Appeals' decision.

Q2. Please identify for us five specific ways in which the proposed settlement, once it is in force, will compel Microsoft to change its business practices in a manner which will benefit consumers.

A. The Revised Proposed Final Judgment imposes a number of new obligations on Microsoft. As you have requested, the following is a list of five such changes chosen at random. First, section III.B requires Microsoft to provide the top 20 OEMs with uniform license agreements pursuant to terms and conditions. Pursuant to the stipulation Microsoft signed when the Revised Proposed Final Judgment was filed on November 6th, the new terms became effective on December 16th. Second, III.C requires Microsoft to allow OEMs to remove end user access to functionality in Windows XP such as Windows Media Player and Windows Messenger and to replace it with access to third-party software or services such as RealNetworks media player and to AOL's Instant Messenger. Third, section III.E requires Microsoft to license all of the communications protocols that Windows PC operating systems use to interoperate natively with Windows server operating systems. While Microsoft has licensed some of those protocols to third parties on an ad hoc basis, the company has never made them available systematically to third parties. Fourth, section III.G prohibits Microsoft from agreeing with a variety of third parties to contracts that require the third parties to distribute, promote, use, or support Microsoft platform software "in a fixed percentage" except in narrow circumstances. Prior to agreeing to the Revised Proposed Final Judgment, Microsoft sometimes used fixed percentage requirements to ensure that it received the effort from third-parties for

which Microsoft bargained; Microsoft can no longer freely use this normal business mechanism. Fifth, section IV.B requires Microsoft to accept three neutral technical experts (the "Technical Committee") onto its campus and provide them with full access to its employees and its most confidential information. This is unprecedented not just for Microsoft but for any other U.S. firm of which I am aware. Presumably, the Department of Justice and settling states believed these changes (as well as the others in the Revised Proposed Final Judgment) would benefit consumers or they would not have demanded the inclusion of these provisions in the Revised Proposed Final Judgment.

Q3. The proposed consent decree contains prohibitions on Microsoft retaliating against computer makers who choose to install in their machine software products that compete with software made by Microsoft. But many wonder if Microsoft will be able to offer financial incentives to accomplish essentially the same thing. For example, could Microsoft offer to pay incentive amounts to computer makers who feature or promote Microsoft software on their machines?

A. Section III.C of the Revised Proposed Final Judgment prohibits Microsoft from restricting OEMs by agreement from, among other things, installing any non-Microsoft middleware on the PCs that the OEM ships. That section also prohibits Microsoft from "restrict[ing] by agreement" any OEM from "[e]xercising any of the options provided in III.H of the Final Judgment." Thus, the judgment does in fact prevent Microsoft from offering financial incentives to OEMs not to install and ship competing non-Microsoft middleware.

Q4. One important issue the settlement was intended to address was Microsoft's ability to penalize computer makers that load non-Microsoft software onto their machines. Under the settlement, can Microsoft still bar a computer maker from putting WordPerfect word processing software or Quicken financial software pre-installed on their machine? If so, why isn't Microsoft's ability to place such restrictions on computer makers a problem for competition?

A. Microsoft has never kept a computer maker from loading either WordPerfect or Quicken (or any other application) on machines it sells. Indeed, a quick review of any computer retailer indicates the variety of applications installed by OEMs on the PCs they sell. The reason that the Revised Proposed Final Judgment does not place such restrictions as you mention on Microsoft is that no part of the case against Microsoft had anything to do with conduct by Microsoft that was intended to, or did, have any exclusionary impact on non-middleware applications such as word-processing and personal-finance software. And there is no plausible argument that extending relief to such non-middleware applications has a connection to the theory of the Department's case against Microsoft.

Durbin Questions

Q1. This is an unprecedented settlement for an unprecedented case. The entire world has been, and will continue to, watch every

aspect of this case. They will also be watching to see if Microsoft complies with every word of this decree. Assuming this settlement is approved, can you outline the steps that will be taken to ensure compliance with the settlement? Are these steps unique in any way?

A. Microsoft has made a company-wide commitment to comply with the settlement entered in this case. The Revised Proposed Final Judgment contains strong enforcement provisions that include internal compliance efforts within the company. As stated in my testimony, Microsoft already had one of the largest and most talented in-house legal teams in the country, and the recent hiring of new compliance specialists will further enhance that team. From the very highest levels of the company, Microsoft is eager to settle this matter and move forward, and has every intention of meeting its settlement obligations to avoid any further disruption of its business. Business executives, developers and lawyers are hard at work at Microsoft implementing every aspect of the Revised Proposed Final Judgment. Microsoft has provided extensive training on the settlement to its lawyers and key business and development employees throughout the world. Senior personnel are meeting on a weekly basis to manage everything Microsoft must do to comply with the settlement, including identifying and documenting new APIs and new Communications Protocols and designing and developing new software for the upcoming Service Pack release of Windows XP to facilitate removing access to key Windows features. Microsoft has already implemented the OEM provisions of the settlement, establishing new uniform Windows license terms for its OEM customers, making those terms available to the Department and the states for their review, and so forth.

Q2. What assurances can the American people have that Microsoft will really be constrained from future anti-competitive practices?

A. As stated in my testimony, the Revised Proposed Final Judgment as agreed between Microsoft, the Department and the settling states provides very strong relief and unprecedented enforcement mechanisms. The Revised Proposed Final Judgment goes well beyond the practices at issue in the underlying case and will change in significant ways the manner in which Microsoft does business.

Microsoft has made full compliance with the Revised Proposed Final Judgment a top priority. As mentioned in response to an earlier question, Microsoft has never been found to have violated its previous antitrust decree.

Responses to Questions from Senator Hatch:

Question #1: Both commentators and several witnesses (in their written testimony) defend the Proposed Settlement by arguing that its terms are as good as—or even better than—what would have been obtained through further litigation. Several have also pointed out that it would take at least two more years to get a remedy in place by means of litigation. Could you please explain whether and why you believe that further

settlement negotiations or litigation would be in the public interest?

Answer: A settlement of established antitrust violations is desirable only insofar as it remedies past misconduct or promotes future competition. The Proposed Settlement unfortunately does neither. Even as to the desktop PC market it contains numerous loopholes, and critically omits any objective enforcement mechanism to incent compliance. Given Microsoft's proven track record of circumventing the 1995 consent decree, it risks gutting even the limited remedies set forth in the Proposed Settlement. The Proposed Settlement also flatly fails to deal with the increasing important arena of new devices (cell phones, PDAs, set-top boxes, and home entertainment centers) into which Microsoft is extending its desktop operating system and applications monopolies through many of the same improper technical and contractual means it used to obtain dominance in the desktop PC arena. Absent stronger and wider protections for consumers, litigation would be the only viable alternative to protect consumer interests.

Question #2: In light of the number of claims from the original complaint that the DC Circuit found to lack merit, is it reasonable to believe that any judgment resulting from further litigation would be significantly better than the Proposed Settlement?

Answer: While the DC Circuit did not affirm every finding of liability against Microsoft, and the Department of Justice has elected not to pursue certain causes of action that were remanded, the case against Microsoft is still compelling. The DC Circuit affirmed the district court's central finding that Microsoft has a monopoly and has acted improperly to protect that monopoly by undermining competitive threats like Netscape's Navigator web browser and Sun's Java programming language. As I understand it, the Supreme Court and the DC Court of Appeals have both held that a reviewing court has the obligation to ensure a remedy for proven antitrust abuses should end the illegal monopoly, undo the anticompetitive effects, and prevent future practices likely to lead to future monopolization. For the reasons noted, the Proposed Settlement fails well short of these objectives.

Question #3: At the hearing, I emphasized the need for prompt antitrust enforcement in quickly evolving markets. Could you please explain whether and why you believe that the benefits of having an imperfect settlement now are outweighed by those of having a possibly better settlement at some point in the future?

Answer: It is precisely because the Proposed Settlement is a backwards-looking document that fails to deal with current and emerging competitive abuses that we need a more efficient and forward-looking remedy. Failing to address new markets at this point would permit Microsoft to re-enact its repeated monopolistic conduct, extending its improper monopoly.

Responses to Questions from Senator DeWine

Question #1: The Proposed Final Judgment aims to make the middleware market more

competitive. Do you believe it is effective in doing so?

Answer: For the reasons noted in my written testimony, I am confident that the Proposed Final Judgment will not encourage competition in the market for middleware. The Proposed Final Judgment fails to meaningfully limit Microsoft's ability to use its tremendous market power to retaliate against companies whose conduct threatens that market power. As a result, original equipment manufacturers are highly unlikely to adopt middleware products that compete with Microsoft's products or anticipated product extensions.

Moreover, much of the Proposed Final Judgment focuses on original equipment manufacturers, while the locus of control has largely moved to the operating system and to the networks to which it links (such as MSN). Controlling the operating system and the linked networks gives a company the ability to prompt users to make upgrades and accept default programs and features. The Proposed Final Judgment gives Microsoft all the latitude it needs to prompt consumers at eve: turn in order to ensure that the easiest path to middleware software is always the Microsoft path.

Similarly, Microsoft is building on its operating system monopoly through initiatives such as Passport and Hailstorm, establishing a dominant share of consumer identity information, which acts to further lock-in consumers to the use of Microsoft middleware across a variety of devices and networks.

Question #2: Do you believe Microsoft will be able to leverage its monopoly in the PC operating system market to capture market share in other operating systems markets such as hand-held devices, navigation devices, and servers? Does the proposed settlement address this issue at all, and do you believe that Appellate Court's ruling would permit a settlement that address these types of concerns?

Answer: Microsoft's ability to improperly extend its monopoly to new areas is a significant cause for concern. Microsoft was convicted of illegally protecting its desktop PC monopoly against threats from Netscape's Navigator browser and Sun's Java programming language, innovative new products that each had the potential to reduce Microsoft's monopoly dominance of the computing environment. Given the increasing importance of the interoperability of different consumer-oriented computing environments (desktop PCs, client-server network operating systems, small devices, and home entertainment systems), control over the broader computing environment is critical to preserve Microsoft's dominance into the future. Many of these devices operate in client-server configurations, in which Microsoft's PC desktop operating system dominance gives it an advantage in the server market, and thus an advantage in writing software for any other devices that need to access those servers.

On the other hand the emergence of non-Microsoft-dominated soft, rare could pose a serious potential threat to Microsoft's ability to dominate this wider computing environment—just as Navigator and Java did

a few years ago. The combination of network externalities resulting from the creation and protection of Microsoft's existing operating system and application monopolies—together with the likely repetition of Microsoft's improper technical and contractual misconduct in these new markets—poses a critical problem for competitors and consumers. The Court of Appeals ruling expressly authorizes, and in fact calls for, a remedy that not only redresses past misconduct but also deters practices likely to extend the anticompetitive effects of the improper monopoly into the future. The Proposed Final Judgment fails to do so and sets the stage for a continued stifling of innovation.

Responses to Questions from Senator Kohl

Question #1: Do you believe that this settlement is adequate to restore competition in the computer software industry? Why or why not?

Answer: No. The Proposed Settlement fails to include remedies that will restore any meaningful competition to file markets in which Microsoft improperly established its monopolies, fails to include any objective or efficient sanctions for non-compliance with its terms, and fails to address the emerging consumer markets (such as those for small devices such as PDAs, cell phones, television set-top boxes, and home entertainment centers) in which Microsoft is improperly expanding its monopolies.

Question #2 (a): Are there any restraints on Microsoft's conduct which you think should be in the settlement but are not? Is so, what are they?

Answer: Yes. The remedies proposed by file non-setting states would be far more effective than the Proposed Settlement in redressing prior abuses and restoring competition to the market. As set forth in my original written testimony, my perspective at Liberate gives me special insights into the need for several of these remedies:

Review of Microsoft Investments. Investing the considerable proceeds of its desktop monopoly in new markets, Microsoft has extracted, or attempted to extract, exclusive or near-exclusive commercial distribution arrangements to block out competitors. In the interactive television industry alone, Microsoft has invested billions of dollars with leading cable and satellite networks. The strings attached to these investments often require networks to buy Microsoft's middleware, making it difficult or impossible for them to buy competitive products.

Prevention of Anticompetitive Conduct in Non-Desktop PC Markets. The Proposed Final Judgment focuses only on Windows products for desktop PCs and includes broad and ambiguous exceptions to its limits on retaliation. These loopholes would apparently let Microsoft get away with the -kind of misconduct it perpetrated against Liberate Technologies when it was known as Network Computer. The result would be to block or delay the development of new competitive devices and technologies. The remedy proposed by the non-setting states would, on the other hand, prevent Microsoft from using this type of retaliation to unfairly extend its desktop monopoly to a wider array of software and devices, while more

adequately opening Microsoft's technical standards to prevent it from excluding rival software companies from meaningful competition.

Prevention of Efforts to Block Non-Proprietary Standards. Microsoft has also abused its monopoly position by blocking industry-wide standards essential to the evolution of a new generation of network-based devices. In our industry, Microsoft has undermined the Java programming language as a standard for digital television, lobbying heavily to prevent U.S. and European standards bodies from standardizing on Java. As you know, Java lets developers "write once, run anywhere", permitting content to run across a wide variety of platforms rather than just on Microsoft's proprietary code.

Moreover, by removing the Java Virtual Machine from its PC operating systems while the JI is common elsewhere, Microsoft discourages developers from creating new "write-once, run-anywhere" content, undermines support for uniform standards, and drives developers to write to proprietary Microsoft platforms. Microsoft's foot-dragging and affirmative interference has slowed the deployment of digital television in the United States. Cable companies and television manufacturers both say that such deployment has been slowed by lack of a definitive standard, a standard that Microsoft's tactics have delayed and undermined. Microsoft's approach stands in direct opposition to the clearly expressed will of Congress and the interests of all Americans interested in richer and more varied television programming.

Question #2(b): Beyond restraints on Microsoft's conduct, are there other deficiencies in the proposed consent decree which you believe should be fixed before it is approved? If so, what are they?

Answer: The critical gap in the Proposed Settlement in this regard is the lack of an objective or effective enforcement mechanism. Per the recommendation of the non-setting states, I would recommend that the district court consider using a technically knowledgeable outside advisor to review claims of Microsoft non-compliance with the terms of any consent decree. Moreover, and critically, the sanctions for violation of the terms of the decree must go beyond the mere extension of those terms for a relatively brief additional period.

Question #3: Critics of riffs proposed settlement argue that one significant loophole is that many of the provisions requiring Microsoft to permit computer users and manufacturers to install competing software and remove Microsoft soft-,rare do not apply with respect to software that has distributed less than one million copies. Are you concerned about this limitation? Won't this provision make it difficult for small or start-up software manufacturers that make software that competes with Microsoft's products to gain access to the computer desktop?

Answer: As Bill Gates himself has said, the greatest competitive threat to Microsoft's dominant position comes not from existing competition, but from the kid tinkering in his garage, designing seminal new software that might revolutionize the industry.

Unfortunately, the one-mill/on-copy threshold makes it a terrifically uphill battle for those "kinds of revolutionary ideas to get traction and take hold. Without access to critical information about Microsoft's products, it will be extremely difficult for any" new competitor to make its product operate successfully in a Microsoft-dominated computing environment. As a result, venture capitalists will be loath to support any small company that seeks to compete with Microsoft—no matter how attractive its innovation.

By way of example, Liberate Technologies was itself until recently a fledgling start-up. It took us five years and a difficult decision to exit a [me of business (network computing) dominated by Microsoft before we were able to reach the benchmark of distributing one million copies of our software. In today's environment, with Microsoft's additional market power, we simply would not have been able to reach that point.

In sum, the million-copy threshold, coupled with the failure to effectively redress Microsoft's existing market dominance, will certainly stifle promising next-generation innovations.

Competitive Technology

January 14, 2002

The Honorable Patrick Leahy
Chairman

United States Senate

Dirksen Senate Office Building, Room 224

Washington, DC 20510

VIA FACSIMILE AND ELECTRONIC MAIL

Dear Chairman Leahy:

I want to thank you again for the "opportunity to appear at last month's hearing to testify on how the Revised Proposed Final Judgment (RPFJ) in *United States v. Microsoft*, will affect consumers and the information technology (IT) industry. I have received the written questions from members of the Committee and I'm pleased to provide responses that will not only complete the record but also provide the perspective of the small high technology companies that represent the majority of the industry.

Responses to Questions from Senator Hatch

1. There is no doubt that bringing this protracted litigation to a close is in the best interests of the IT industry and consumers. Settling the case removes a cloud of uncertainty and allows companies large and small to focus on innovating to meet consumer demand. Further litigation is not likely to produce any remedial actions that—
a) are not already covered by the RPFJ and responsive to the Court of Appeals' ruling, or
b) would be in the interests of the industry, save a few Microsoft rivals. As demonstrated by the very nature of the proposed "remedies" that will be part of ongoing litigation, it is clear that the RPFJ presents an appropriate and balanced resolution of this case. I agree with Assistant Attorney General Charles James when he noted at a November 2, 2001 press conference, "[t]he settlement is consistent with the relief we believe we might have obtained in litigation. This settlement, however, has the advantages of immediacy and certainty." I

2. It is very unlikely that a judgment borne of continued litigation will be marginally, let

alone!" significantly" better than the RPFJ". As you point out in your question, the Court of Appeals has dramatically reduced the finding of liability against Microsoft. The conduct restrictions, coupled with the additional enforcement measures such as the creation of a Technical Committee, more than adequately address the anticompetitive behavior identified by the Court of Helping Washington Get IT. 1413 K Street, N.W. "12th Floor Washington, DC Tel: 202-331-2130 Fax: 202-331-2130 (r) email: info@ACTonline.org www.ACTonline.org

Appeals. I include the following table to show precisely where the RPFJ addresses each finding:

Findings of Anticompetitive Conduct by the Court of Appeals Settlement Section

Limiting promotion of browsers or restricting OEMs from modifying the initial I.I.C. boot sequence III.G. 1, III. H

Prohibiting deletion of the Internet Explorer icon III.H.1-3

Commingle Internet Explorer & Windows code without providing a simple III. H. 1-3 mechanism for OEMs and users to

remove access to Internet Explorer

Restrictions on the promotion and

distribution of competing web browsers by

III.A.1, Internet Access Providers III.C.1-2

First-wave requirements for software vendors

to use Microsoft's Java Virtual III.F.2

Machine First-wave requirements for

software vendors to use Internet Explorer

III.G.1

Leveraging MS Office to induce Apple to

feature Internet Explorer III.G.2

Misleading Java Developers III.D

Pressuring Intel to end their Java Virtual

Machine development III.F. 1

3. On balance, this settlement is good for our industry. We agree with the Senator that the RPFJ is not perfect. In fact, as pointed out in my written testimony, ACT believes that the provisions mandating disclosure of server protocols and the creation of the Technical Committee are beyond the finding of liability and may set an inappropriate precedent for future antitrust cases in the information technology industry. That said, it is important to point out that this case is nearly four years old and has shrouded the entire IT industry in a haze of uncertainty. At present, the technology industry—which has been the engine for much of the recent economic growth—cannot realize its full potential in the uncertain environment this case engenders. Those who seek to prolong this case for their own benefit are, at a minimum, guilty of making the perfect enemy of the good.

Responses to Questions from Senator DeWine

1. One important lesson to be learned from this case is that antitrust principles apply to the IT industry. The RPFJ is proof that antitrust principles, when applied properly, can work to restore competition within the IT industry. For example, the settlement will stimulate competition by giving greater flexibility to computer manufacturers and users to choose among different middleware and operating systems.

With respect to what to say to Netscape, I would hardly consider them "defeated." After building a 85% market share, the company was acquired by America Online

for \$10 billion dollars and continues to be a viable browser with millions of loyal users. More importantly, Netscape should be congratulated for winning one its biggest arguments—the browser as a platform threat. It is clear that the browser has emerged as a platform competing against operating systems for application hosting. The popularity of browsers (including Navigator) and browser-based applications evidences this fact. Therefore, we should tip our hat to the Netscape

Robert G. Ristroph

11612 Hidden Gulch

Austin, TX 78758

December 23, 2001

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530-0001

Dear Ms. Hesse,

I am writing with regard to the Justice Department's proposed settlement with Microsoft. I believe that this settlement should be scrapped and completely rewritten. Most of the "restrictions" placed on Microsoft are already illegal; what few restrictions are left are impossible to enforce and seem designed to produce more legal disputes rather than resolve them; and the proposed enforcement mechanism is a ludicrous embarrassment. In addition to scrapping this proposed settlement, any payment or further employment of the authors should be re-evaluated in light of this idiocy.

I have read the original complaint of United States and the several States at <http://www.usdoj.gov/atr/cases/f1700/1763.htm>, the proposed settlement at <http://www.usdoj.gov/atr/cases/f9400/9495.htm>, the Competitive Impact Statement at <http://www.usdoj.gov/atr/cases/f9400/9495.htm>, as well as numerous other sources including the findings of fact and other documents. My own injury by Microsoft's illegal actions comes from Microsoft's agreements with OEM's which forced my employer to pay for Windows when buying a new computer from Dell, which we had no plans to use Windows, intending it for Linux. This was supposedly addressed in a prior case to the present one, and yet to this day the same hardware without a Microsoft license has the same cost.

I wish to examine the elements of the proposed agreement item by item, and then propose an outline of an alternative settlement.

A. That Microsoft will not retaliate against OEMs for distributing non-Microsoft software. This is already prohibited by law, given Microsoft's monopoly. The proposed settlement can not consist of Microsoft agreeing to follow the law in the future; like other companies in the United States, it has to follow the law regardless of this settlement.

B. That Microsoft make public its licensing agreements and offer the same terms to everyone. This is the only part of the proposed settlement makes sense, however, OEMs have shown in the past they were willing to collaborate in Microsoft's illegal

activities. Should Microsoft offer an OEM a secrete payback or special deal, the cooperation of the OEM will make this section difficult to enforce.

C. That Microsoft cannot restrict certain OEM software through agreements. This is already illegal, like A.

D. Some meaningless nonsense not worthy of comment or the paper it is printed on.

E. That communications protocols in Microsoft software be publicly available. In light of Microsoft's previous behavior in exploiting secrete calls in it's soft-ware, all of it's source code should be available for public examination. The suggestion that only "communications protocols" be public is problematic because it leaves open to dispute what consists of a communications protocol. This is foolish given Microsoft's previous self-serving interpretations of court orders.

F. That Microsoft will not retaliate against software vendors for competing against them. This is already against the law given that Microsoft is a monopoly.

G. That fixed percentage distribution agreements be banned. This is already against the law. The exceptions listed in this paragraph are also against the law, creating the suggestion that the United States will enter into an agreement with Microsoft to allow it to break the law in some cases.

H. That OEMs and users are allowed to configure the Microsoft software they buy. This is vague and confusing because it is difficult to precisely describe what consists of configuring software, and thus impossible to reliably enforce. In a competitive market it would be the natural case, and the proposed settlement should focus on restoring competition.

I. That Microsoft offer licenses to "intellectual property" necessary to allow others to exercise "alternatives provided under this final judgment." The reference to alternatives provided to others contradicts the final section of the proposed settlement, which explicitly denies that the final settlement gives any rights to third parties. Even aside from that, this section probably denies behavior already illegal, is riddled with exceptions, vague, and seems designed to produce legal action rather than remedy.

J. A section devoted wholly to exceptions for Microsoft, as if there were not enough already.

The Enforcement Authority

A. Access to source code is probably one of the best remedies. The exceptions and limitation of this access to a committee are silly.

B. The Technical Committee. It has too few members, it should be composed of Officers of a United States Federal Court in order to make it's requests immediately enforceable through Contempt hearings, and the gag on public statements renders the whole committee useless. The further restriction that the testimony of this muzzled and hobbled committee not be admissible in court is a bit like shooting the deer after it's tied down with it's throat cut.

C. The Microsoft Compliance Officer. This section is nonsense. Other companies manage to obey the law without the use of

a special office. If Microsoft needs one they can implement it without a judgment.

D. Voluntary Dispute Resolution. This section seems dedicated to stipulating that various parties send each other letters before seeking court hearings, a common practice. 4(d) guts all enforcement power from the proposed judgment, and suggests that the Attorneys for the Justice Department don't believe in their own system of courts.

Third Party Rights

This section is in contradiction with other references to the submission of complaints to the Technical Committee and the requirement that Microsoft offer "intellectual property" licenses to the third parties so that they can pursue the alternatives guaranteed them in this proposed final judgment.

In summary, this proposed final judgment is a poor sham for a capitulation by the Plaintiffs. It's not even a good surrender, because it's vagueness and self-contradictions guarantee more legal action; if we must capitulate, at least we should save on legal costs. It also completely fails to disguise the capitulation in any way. This is why whoever wrote it should be fired, even if the Justice Department unwisely chooses to fail to enforce the law as applies to Microsoft. A real final judgment, which might have the chance of remedying the situation, would have to be in some way "self enforcing." By "self enforcing" I mean that the remedy by it's nature should preclude further legal wrangling and evasion efforts by Microsoft. Stipulations on Microsoft's future behavior inherently have to be enforced, and thus are not well suited to this case. Furthermore, when the proposed judgment stipulates that behavior already illegal be banned and then suggests exceptions, the Plaintiffs are acquiescing in further law breaking by Microsoft.

An example of a "self enforcing" remedy would be denying Microsoft copyright protection. No Technical Committee is required; all that is needed is to reject out of hand cases of copyright enforcement that Microsoft brings. Thus, revoking copyright privileges for some portion of the works that Microsoft used to violate the law might be an appropriate remedy. Or perhaps Microsoft could post substantial bonds against it's future behavior.

Many of the major flaws in this proposed final settlement result from the needless use of vague and disputable terms, when simple and undisputable ones would do.

Replace all references to "Microsoft Middleware" "Windows Operating System Product" and such with the simple phrases "products of Microsoft" and "products of third parties." Avoid even the use the term "software products," as Microsoft would produce hardware required to run their products and then violate the agreement. Be sure the phrase "products" is defined to mean anything Microsoft does, including services.

Replace all references to "ISVs, IHVs, ICDS, OEMs" and such with the phrase "any third party." Quibbling over which member of the alphabet soup a particular entity fell under is thus eliminated. The final judgment should require no differentiation between the various consumers and companies

interacting with Microsoft. This also remedies the fault that the current proposed judgment allows Microsoft to exempt any third party from the benefits of what legal behavior is required by claiming they do not have a viable business plan. I hope you find these suggestions helpful in writing a real judgment.

Sincerely,
Robert G. Ristroph
RENATA B. HESSE
ANTITRUST DIVISION
U.S. DEPARTMENT OF JUSTICE
601 D STREET NW
SUITE 1200
WASHINGTON, DC 20530-001
10 DECEMBER, 2001

Dear Renata B. Hesse,
I am a concerned citizen, unwilling Microsoft customer forced to use their unpleasant products because of their unassailable monopoly, and a long time member of the computer industry.

I am writing to you to protest the terms of the Proposed Final Judgement, in specific the failure of this Judgement to address the pivotal role that the open software movement has played in the genesis of the Internet age, and its legitimate ongoing contributions which are ignored by the Judgement's terms and will be harmed by the Judgement's execution.

To enumerate but three of thousands of valuable not for profit software development efforts which remain critical to the ongoing viability of the net and which will be harmed by the Proposed Final Judgement because they are beneficiaries of neither Section III(J)(2) under (c) as meet[ing] reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business nor under Section III(D) as the footnotes hold this section in force only to commercial concerns:

Apache is the Internet server that made the net possible. It is the most viable competitor to IIS, Microsoft's server architecture. Without Apache the net would grind to a halt. There is no commercial contender to IIS, the entire competitive landscape is between IIS and Apache and a few other open source servers. Since IIS is stunningly, almost fraudulently insecure, the Proposed Final Judgement weakens the Nation should it not aggressively protect the better engineered open source efforts from Microsoft's predatory tactics.

BSD, especially in its most popular flavor freeBSD, and its younger but bigger brother Linux present a real and viable challenge to Microsoft in the server market, are gaining in the workstation market, and would, if they could be made compatible with Microsoft's industry crushing Office, be a viable contender on the desktop. These efforts are undertaken in that most American of spirits: for the good of all. They provide real alternatives to Microsoft; significant and meaningful improvements in performance and security to users who appreciate these things when compared to Microsoft's invariably flawed products, and competition which is perhaps Microsoft's only remaining motive for fixing its failures. While major security holes are exposed in IIS every month or so, despite Microsoft's efforts to sweep

them under the rug, no security hole has been discovered in NetBSD in more than four years. These superior products are run without marketing and lobbying budgets and will be crushed by Microsoft which will endeavor to make them as incompatible as possible with their desk-top monopoly (if their efforts to make them outright illegal fail).

This message will reach you through one or many servers running Sendmail. A near perfect application which relies on free and open standards established for the routing of electronic mail.

Since Microsoft will be under no obligation to share standards with the not-for-profit organization that maintains Sendmail, it is quite certain that Microsoft will do whatever they can to force all Sendmail administrators to switch to an expensive, fault ridden Microsoft product, leveraging their monopoly on the desktop to do so unless the DOJ alters the Proposed Final Judgement to protect open source at least as effectively as it protects whatever pathetic vestiges of the commercial market still stand to challenge Microsoft's otherwise unassailable monopoly.

The Proposed Final Settlement fails utterly to address the critical role of the open source movement and is therefore utterly unacceptable to me as a harmed party.

Sincerely,

David Gessel

BLACK ROSE TECHNOLOGY

5233 FOOTHILL BLVD.

OAKLAND, CA 94601

510 290 3849 (CELL)

510 536 toO5 (FAX)

WWW.BLACKROSETECH.COM

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COMMITTEES:

JUDICIARY II (Vice CHAIR)

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EDUCATION/HIGHER EDUCATION

INSURANCE & CONSUMER PROTECTION

REDISTRICTING

RURAL DEVELOPMENT

TRANSPORTATION

January 9, 2002

Ms. Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW, Suite 1200

Washington, DC 20530-0001

Via facsimile: (202) 307-1454

Re: Support for Microsoft Settlement

Dear Ms. Hesse:

I am writing to express my support for the settlement that the Department of Justice and several states, including North Carolina, have reached with Microsoft.

I will be pleased to see this matter resolved because it will be a boost for the technology

sector, a larger force in the North Carolina economy. I believe that the certainty of the settlement will promote new investment in technology and will enhance competition in all aspects of the technology industry which will benefit consumers.

With this litigation settled, the technology industry can continue its recovery and growth. The settlement represents a reasonable compromise that has earned bipartisan support. I urge the Department of Justice and the court to approve this settlement.

Sincerely,

Senator Scott Thomas

ST/cbj

MTC-00033794

State Headquarters

211 East 7th Street, Suite 620

Austin, TX 78701

Phone: (812) 477-9821

Fax: (512) 480-0709

www.texasgop.org

Susan Weddington, Chairman

January 7, 2002

Renata B. Hesse

Antitrust Division

U.S. Department of Justice

601 D Street NW

Suite 1200

Washington, DC 20530-0001

Re: Comments on the Microsoft Proposed
Settlement Agreement

Dear Ms. Hesse:

It goes without saying that the settlement agreement between the U.S. Government and Microsoft comes at a critical time when our economy and nation most need reconciliation.

The proposed settlement requires significant changes in the way Microsoft develops, licenses and markets its software. This settlement is fair. It prevents Microsoft from abusing the strength that it derives from its operating system, but also allows the company to continue innovating in all areas of software development. Microsoft in Texas is a major employer and contributor to our economy. In addition, Microsoft and its employees in Texas donate millions of dollars annually to a large variety of charitable causes.

I congratulate you on developing a strong but fair settlement.

Sincerely,

Susan Weddington Chairman

MTC-00033795

From: Tom Wright [TWright@Forte-
industries.com]

Sent: Monday, November 05, 2001 1:08 PM

To: ASKDOJ

Subject: usdoj comments

For the first time in my life I am compelled to contact an office of my Federal government.

I am appalled at the "settlement" your department has reached with Microsoft. It disgusts me to see that a corporation that abuses its monopoly power and lies in federal court about its actions can receive virtually no penalty for that behavior. Your office is supposed to protect people like me from the likes of Microsoft. I voted for G.W. Bush but would not have done so were I

aware that this obvious sellout would be the outcome. I'm sure that the decision to "settle" in this manner was cloaked in the guise of stimulating our weakening economy. What in effect you have done is to enhance the ability of that bully corporation (Microsoft) to further stifle ingenuity and creativity at the expense of the consumer and the taxpayer. This "settlement" will serve to only embolden Microsoft in the ruthless use of its power to crush their rivals.

Today I am ashamed of my government.

Thomas P. Wright

Sr. Software Engineer

Forte Industries

6037 Commerce Ct.

Mason, OH 45040

(513) 398-2800x206 (Voice)

(513) 398-2837 (FAX)

This email has been scanned by MailMax.

<http://www.maximizeit.net>

MTC-00033796

Yanta, Judy

From: finnabennacht@yahoo.com

Sent: Tuesday, November 06, 2001 5:38 PM

To: ASKDOJ

Subject: microsoft Dear Sir or Madam,

I would like to say that I think Microsoft might be let off too easy. They have an illegal monopoly on operating systems in the US and abroad. They should have to open up the OS market to competition.

Thank you for your time.

Mr. Michael Brennan

110 Beresini Lane

Hollister, CA 95023

mbrennan@musician.net

Do You Yahoo!?

Find a job, post your resume.

<http://careers.yahoo.com>

MTC-00033797

Yanta, Judy

From: Janet Unger [jmunger@animail.net]

Sent: Tuesday, November 06, 2001 9:36 AM

To: ASKDOJ

Subject: Microsoft settlement

Your settlement is pathetic. I can't believe all that money and time was wasted, only to give MS barely a slap on the wrist. Once again, the consumer loses to a company who can cause the government to completely cave. For shame.

Janet Unger

21 Forestdale Road

Kinnelon, NJ 07405

Janet Unger

MTC-00033798

Yanta, Judy

From: David Piper [dpiper@cleanweb.net]

Sent: Wednesday, November 21, 2001 9:40

AM

To: ASKDOJ

Subject: Microsoft settlement

Dear Attorney General:

Microsoft settlement of 1 billion to the 12,500 poorest schools is forcing schools to use just Microsoft programs and giving children no alternative to Microsoft. This is what a monopoly does and is. This is at the expense of the children. As an example: the Mahoning County Library system in Ohio uses only Microsoft after libraries got money from Microsoft: even though Boardman schools use WordPerfect the library refused

to install WordPerfect on the library computers in the school district.

This makes companies change to Microsoft software or spend more money on training. Add to this that as a programmer you have to follow Microsoft's programming or you face the program of not being upgradable to the next OS. Of course Microsoft can make changes then incorporate the changes into the next OS.

And finely Microsoft's OS from version 3.0 to ME were at best not stable at worse designed to make people upgrade to the next OS. In any case you had to paid to fix the problems of the OS your using just to get a different set of problems in the next OS. Windows 95 should have been NT 3.5 made for a home user and run Windows 3.1 software. Just like XP is a home version of Windows 2000. IBM had OS/2 version 2 running Windows 3.1 software if you had 3.1 installed on the computer. This allowed Microsoft to pick the pocket of the consumer for new OSs and stop any innovation from other programers. The solution is that any owner of Windows 95 should get XP FREE. Also any money Microsoft gives for ether settlement or gift should not be tied to using Microsoft products.

David Piper
7550 Sugartree Dr.
Youngstown, Ohio 445125430
330 758 5182
fax/voice 330 629 6080
dpiper@cleanweb.net

MTC-00033799

Technology Research
Fax to Attorney Generals
Justice vs. No Justice 21660
1/16/02

In certain states and cities, you can BUY outcomes in the legal system. If there is any elected official who stands for what is right, it is Attorney General. Not District Attorneys. Not the Attorney General of the U.S. State Attorney Generals. So far you have not "stepped up to the plate."

The dot.com bubble/bust primarily was a telecommunications phenomenon. The huge regional bell operating companies were faced with new upstart competitors. They both bought communications equipment like there was no tomorrow. That's why companies like Nortel, Cisco, Lucent, and Corning (fiber optics & communications gear) went through the roof. Then the bust occurred. Nortel had 95,000 employees. Now it has 47,000.

Neither of above phenomenon has anything to do with Microsof with the exception that Microsoft had no breakthroughs like Visicaic nor Windows (Xerox/Apple origin). If anything, Microsoft has slowed PC growth. Why? Because it has made small incremental changes to its Windows operating system. No major breakthroughs. That is why U.S. corporations, for the most part have no real interest in XP. What they have now works well. Why pay for both hardware and software upgrades when what you have now works very well. If you go wimp on Microsoft, the economy will NOT get a boost. Microsoft is a monopoly. In fact, it is very mean-spirited and anticompetitive as well. Step up to the plate. Do your job. Didn't you

have a teacher who taught you the difference between RIGHT and WRONG. Do what is right.

If you "cave in," as some of you seem prone to do, I reserve right to write the most important people in your home town and tell them you are a little wimp. That you had responsibility on your shoulders and you shirked it. That you are all-time weanie. The country is strong today because people did what is right and worked hard. Please do what is right. Life is short. This may be one of the most important decision in your life. Don't fuck it up. Be a man/woman. Don't be a friggin copout.

—John Staple, Staple Technology Research,
713 288-8800 staples@mindspring.com
Yogi Berra: "It ain't over til it's over." This bullshit is FAR FROM OVER. John Staples.

MTC-00033800

Yanta, Judy
From: Eric [efairhurst@home.com]
Sent: Tuesday, November 06, 2001 12:35 PM
To: ASKDOJ
Subject: Microsoft settlement

Mr. John Ashcroft,
It is with much embarrassment that our DOJ basically caved in with regards to making a settlement with Microsoft. I have read the settlement agreement and I can't believe how many loopholes there are for Microsoft. It appears that because of the recent terrorist attacks, the DOJ is letting Microsoft go. So, Microsoft crushed Netscape, continues to use their Monopolistic practices, is planning on continuing to use their monopolistic powers to gain control of the Internet, and the DOJ is just slapping their wrists with NO penalty at all. I am outraged as a US citizen as well as a consumer. This settlement in no way protects me from Microsoft. Maybe Microsoft did the right thing and started contributing money to the political parties, perhaps this is what this was all about to begin with. Who knows. What I do know, is that it appears that there is no one with any technical expertise that was involved with this agreement. Shame on you and the DOJ. You have just proved that if you have enough money and are powerful enough that you too can break any and all laws and not be brought to justice.

Eric R. Fairhurst
11181 Harrington Lane
Fishers, IN 46038

MTC-00033801

Stoney, Ericka
From: Robin Harris
[RHarris@YottaYotta.com]
Sent: Monday, November 05, 2001 10:08 PM
To: ASKDOJ
Subject: Microsoft Settlement

Dear Attorney General Ashcroft,
I was angered by your capitulation to Microsoft in the recent settlement talks. The Sherman Antitrust Act is over 100 years old and is a matter of settled public policy. Yet you treat egregious and repeated violations of it and the resulting harm to our economy and our global leadership of the information technology industry as worthy of only a slap on the wrist. The IT company I am an officer of does not compete with Microsoft and I use

many of their products. But predatory behavior by monopolists is bad for everyone, a common sense judgement reached over a century ago, but a judgement you evidently don't the have the wit to endorse.

You've given every corporate violator of our nation's laws new reason to resist negotiation and cooperation. America will be paying for your lack of backbone for decades to come. I hope the campaign contributions your party expects from Microsoft are seen for what they are: a payoff for craven dereliction of duty. I hope the State's Attorneys General see fit to the do the duty you've shirked.

Sincerely,
Robin Harris
10210 NE Points Dr
Suite 300
Kirkland, WA 98033

MTC-00033802

Yanta, Judy
From: KDKBUGG@aol.com
Sent: Wednesday, January 02, 2002 9:29 AM
To: ASKDOJ
Subject: USDOJ Comments "Microsoft case"

Dear Attorney General & Ms. Kollar-Kotelly:

Concerning this Microsoft case: As a consumer and user of Microsoft products, I am totally disgraced by our system of Justice not standing up to this Monopoly.

They have put out faulty products, that have costed hundreds of Trillions of dollars to consumers and businesses. Not to mention lost time.

How is it that Microsoft be treated any differently that another business? Are they above the laws of the United States?

I have as a consumer asked Microsoft to correct the faulty products and replace or compensate all. They have ignored me. Why? Because they feel they are above the laws, and have to answer to no one.

I feel that they need to be ordered to recall all their faulty products and make restitution to all. They knew that they were selling incomplete or poor products, but they still sold them? They made their Windows 95,98,ME operating systems so a consumer has to upgrade pay them more money just to use it. I work for a small computer business and our tech spends some days 2-3 hours a day ,at Microsoft support site trying to fix their problems? At whos expense? The business owners. If they were anyother business they would have been forced to recall. Sounds like they have committed consumer Fraud to me, at the expense of millions of consumers?

Please see that Justice prevails.
Thank you.
Kevin f. Bugnacki
18 Walnut Street
Baldwinsville,NY 13027-1116

MTC-00033803

Yanta, Judy
From: Gerry Evans [cujoacat@flaglink.com]
Sent: Tuesday, November 20, 2001 11:51 AM
To: ASKDOJ
Subject: USDOJ Comments
HON. JOHN ASHCROFT:
I realize the chances of AG Ashcroft actually reading this are probably slim and

none. However, as the old movie adage goes—I'm mad as hell, and I won't take it anymore.

I am sick and tired of self-serving, avaricious lawyers extending the outlandish persecution of Microsoft beyond human understanding. This is in specific reference to an article in the 11-20-01 WSJ citing California attorneys opposed to a "reasonable" settlement from Microsoft because they feel—California consumers will be unfairly treated. I say—BS!

The only people hurt by the senseless and continued drubbing of Microsoft are Microsoft owners/employees, Microsoft shareholders, AND the consuming public as a whole. For God's sake, if it ain't broke, why fix it? I am very satisfied with the absolutely and positively FREE web browser and other services given to me by MS. The idea of continuing the litigation ad infinitum is ridiculous and sympathetic to the same type of "consumer screw" that resulted from the dismemberment of AT&T and produced higher prices for local service, lower levels of consumer satisfaction for the same local service, and pockets full of cash for specialty carriers who were allowed to "cherry pick" from the tree nurtured by AT&T into the best phone system in the world.

I say, "To hell with California and its cadre of blood-sucking lawyers." And, while I am not privy to such information, I would wager MS is somewhere behind the scene in provisioning the U.S. with its current software capabilities in carrying on our war on terrorism. Ayn Rand is surely turning over in her grave. MS offers an arm and a leg, and the Californicator lawyers want to snatch its head also. Enough is enough; shut down the damn litigators nationwide in their quest to undermine a national resource. The consumers deserve it.

Gerry B. Evans
3350 S. Justin
Flagstaff, AZ 86001

MTC-00033804

Stoney, Ericka

From:

Sent:

To:

Subject:

Pamela M. [onehouyhnhnm@yahoo.com]

Friday, December 07, 2001 11:56 AM

ASKDOJ

USDOJ Comments

Dear Mr. Ashcroft,

I understand through Reuters that the Microsoft monopoly case is coming to a conclusion. A \$1 billion dollar fine is being imposed—one billion dollars to schools.

On the face of it, this sounds wonderful. I am a teacher. However, this may destroy a rival, and frankly BETTER, but smaller company—APPLE. Apple has a far more stable operating system since the inception of Macintosh. Apple has been the choice for years for graphic designers. The one market share Apple has because they worked very hard to get it is the schools. They got it because Apple sustained the graphics necessary to keep the attention of children. Historically, Microsoft stole the Windows operating system concept from Apple to begin with. Throughout the years Microsoft

has yet to perfect Windows, the Microsoft version of the Apple operating system, to the point where it doesn't "crash".

Apple has always had a more stable design for its operating system. For this reason, schools like it far better—there is less time spent on fixing a computer and more time teaching (teacher has to fix, either during class or after school; ergo important lesson time is lost).

While Apple is filing a brief for consideration by the judge overseeing the case, you have direct access to the prosecutor who will recommend a course of action. Schools need the continuing use of the Apple Macintosh computers. The ruling to infuse schools with \$1 billion of Microsoft hardware/software will destroy Apple; Apple will lose its primary market. Schools will lose the operating system that takes less teacher intervention to fix. The computers, then, will not be used, nullifying the whole point. Teachers simply cannot and will not stop every lesson 14 times to fix the "crashes" of an unreliable operating system. Please, discuss the impact of this ruling on the social good of American school children. Frankly, I think it would be better to either allocate the billion to getting the elderly of our society online or building schools for the children of Afghanistan.

Sincerely,

Pamela A. Mahony
1231 N. Columbus Ave. #1A
Glendale, CA 91202
(818) 500-1588

MTC-00033805

Yanta, Judy

From: Christine Keller [fayekeller@att.net]

Sent: Thursday, January 03, 2002 7:56 AM

To: ASKDOJ

Subject: DOJ vs Microsoft

Christine Keller

9181 Market Ave

Hartville, OH 44632-8715

January 3, 2002

Attorney General John Ashcroft

950 Pennsylvania Ave NW

Washington, DC 20530

Attorney General Ashcroft:

A settlement in which Microsoft has to pay the bill is not in the "public interest". Paying the legal staffs of the federal and state DOJ's, Microsoft, possibly of the AOL conglomerate, and all the class action seeking lawyers is not in the "public interest". Any such result will mean an increase in Microsoft prices and the entire industry will increase their prices to keep up. We do not need another IBM or AT&T settlement that only "busts" a good company, redistributes business and forces consumers to pay higher prices for the resulting fiasco.

Very, very and angrily Sincerely,
Christine F. Keller

MTC-00033806

Yanta, Judy

From: E McCann

[wurgenmeister@yahoo.com]

Sent: Monday, December 17, 2001 11:30 PM

To: ASKDOJ

Subject: USDOJ Comments

This is regarding the proposed "settlement" given in the Microsoft anti-trust case.

Where, in this settlement, is Microsoft being punished? Where is there actual oversight? Where are the guarantees that they won't be able to continue their practice of running roughshod over the marketplace? It's as if GM managed to strongarm fuel stations, tire manufacturers, etc. into making their products "more compatible" with GM at the expense of Ford, Mercedes, and the like, with their only "weak" market with real competition being in interstate semi trucks. In this hypothetical situation, they're brought to court, found guilty, and as "punishment" not only are allowed to define what a "vehicle" is for purposes of describing what's affected by the settlement, but also need to provide the 50 poorest trucking companies with GM trucks!

This is punishment? This rectifies the situation? This is a remedy? What I would like to see, instead, would be:

1. Don't allow Microsoft to "have to" spend money to supply schools with computers (which will end up being based on Microsoft software, and eventually make more money for them through their planned ".net" service and software "subscriptions.") While attempting to help schools is admirable—it has nothing to do in this form with rectifying the situation. Why give them—not just a toehold, but a whole beachhead—in a market they do not dominate already? If they MUST spend money on schools, have them submit the sum to the court to distribute and let the schools spend them on the systems that best suit their needs—with no Microsoft involvement other than sending the money to the court.

2. Create a court-appointed body that will oversee Microsoft's coding, marketing, and business practices. Microsoft should have a *minority* presence, not 1/3 with an option to appoint another 1/3 of the committee. They would have to justify changes in standards (such as the Microsoft Word .doc format, which changes with *every* release) to this committee, who would have the power to deny the ability to make these changes.

3. Have them release the FULL source for their products. Microsoft does NOT like open source—because it removes control from them. However, it has been proven with Linux and other open source projects to be an effective way to create an efficient product, and patch problems with that product in a much more timely manner than Microsoft is now able to do. It also allows competing software manufacturers (such as WordPerfect/Corel, IBM, etc.) to be sure they are seeing the complete OS, and eliminates any suspicion of "favored" companies or Microsoft divisions having an advantage with "secret," undocumented, or "hidden" APIs and calls.

4. Have an independent body create the definitions for "operating system," and other terms, that don't have loopholes in them that Microsoft can use to get around any legal restraints.

5. Investigate Microsoft's licenses—more important now than ever, with their "subscriptions" and forced upgrades.

6. Have an independent body oversee Microsoft's upgrades and pricing.

7. Have Microsoft break Internet Explorer (and future products.) Outlook

Express, MSN Messenger, etc. from the operating system. Not only does this restore some slight competitive nature to the market, but will have a side effect of helping MS's operating systems run better. Remove the proprietary "help" system that forces you to install Internet Explorer as well. Regular HTML works perfectly well, and is an open standard.

8. Place the W3C in charge of standards, such as HTML, Java, and the like. They do this already, but give them the ability to reject "extended" standards (and give them some teeth while they're doing it) such as Microsoft's ActiveX and other HTML "additions" (or ventures like J++, C%, etc. that work only on Windows.)

These are just some suggestions... Microsoft *has* stifled innovation, not created it. And they're still working on ways (with strategies such as .net, and software "subscriptions") to lock people and businesses into Microsoft-only or Microsoft-dependant models.

Eric McCann
907 Dean #104
Coquille, OR 97423

MTC-00033807

Yanta, Judy
From: Chris Hamady [chrismh@wcnet.org]
Sent: Saturday, December 22, 2001 4:57 PM
To: ASKDOJ
Subject: Microsoft has once again hurt consumers and the U.S. Government ATTACHMENT.TXT
USDOJ,

I feel compelled to write to you to voice a complaint against a company that continues to treat consumers and the state and national governments with arrogance and disdain. Recently, it became public knowledge of a security hole in WindowsXP that can allow a hacker complete and total control over a Windows XP based computer once it is connected to the internet. This in and of itself is statement enough against Microsoft, yet to my shock, it is being reported that Microsoft was informed of the security hole a full 5 weeks before ever notifying the consumers, business community, and the government of the United States, all who were at risk while Microsoft reaped profits acquired through the withholding of this information from the public. To make matters worse, they advertised that Windows XP is a "new standard in security" for computer operating systems. I am not a lawyer, but to me this seems to be some sort of product fraud leveled against consumers. Please look into this on behalf of me and all consumers who want a fair and balanced technology marketplace, and reconsider the current settlement with a company, that I feel, will never stop treating consumers, competitors, and the government with total arrogance, illegality, and disregard.

Thank you.
Respectfully,
Christopher M. Hamady
8941 Sylvania Ave.
Sylvania, OH
43560
Christopher M. Hamady
chrismh@wcnet.org

(419) 843-8890
MY WWW HOMEPAGE IS AVAILABLE
AT:
<http://mustec.bgsu.edu/~chrismh>

MTC-00033808

Yanta, Judy
From: Colin Valentine
[cvalentine@chartertn.net]
Sent: Tuesday, December 25, 2001 9:10 PM
To: ASKDOJ
Subject: USDOJ Comments

This is an example of what Microsoft is doing! settled!

The DOJ should not have
To: <ms255@microsoft.com> (Microsoft Corporation)
Cc: <cvalentine@chartertn.net>
Sent: Monday, December 24, 2001 8:48 PM
Subject: Outlook Express

Two days ago I scanned a printed page using a Visioneer scanner, and sent the file as an attachment to my own e-mail address. The letter displayed with the following message: "OE removed access to the following unsafe attachments in your mailbox: december MAX"

I have been satisfactorily using the Visioneer scanner and sending the resulting files as attachments using Outlook Express since July of 2001. The message described above displays in a narrow bar across the top portion of the e-mail page. The operating system is Windows 98, in a Compaq Presario. There were no software changes in the same time frame. I have been using a very widely used firewall for about the last year. Can you remove this undesired and unauthorized interference by your Outlook Express application?

Thank you,
Colin Valentine
cvalentine@chartertn.net
(865) 681-7694
1715 Linda Lane
Maryville, TN 37803

MTC-00033809

Yanta, Judy
From: Julian Huff
[JHuff@SSG.PETsMART.com]
Sent: Friday, November 23, 2001 11:12 AM
To: ASKDOJ
Subject: USDOJ Comments(Pis forward to the Attorney General)

Sir,
I find it necessary to comment on the proposed settlement between the U.S. Go. This trial has proceeded under keen professionals like myself. It is ridiculous that a company which has been found guilty of non-competitive actions, including giving its products away in order to force other companies out of business, should be allowed a settlement in which it gives away well over a billion dollars worth of its product and services, especially in an area in which it does not already enjoy a majority of market share.

How is this going to lead to competition in the marketplace? The educational market is one of the FEW areas that Microsoft does not currently dominate. How will this affect companies like Apple Computer, who are currently competing in that market? Do you think that schools will choose to use quality

and competitive pricing as market tools to their own (and those other company's) advantage? Or will they take the free products, further increasing Microsofts monopoly and power?

The fact that this type of a settlement has been approved by the prosecution is a sad statement on the state of Justice in America today. This is a laughable solution and we will look back on it one day saying, "Remember when there were lots of alternative products WITHOUT the Microsoft label on them?" Then we'll sadly shake our heads and wonder what would have happened if the Government had decided not to repress America's entrepreneurs and sell out the consumer by not punishing a monopolistic bully like Microsoft when it had the chance.

Thank you,
Julian P. Huff
Manager—Desktop Services
PETsMART, Inc.
19601 North 27th Avenue
Phoenix, Arizona 85027
* 623.587.2407 (office)
* 623.580.6109 (fax)

MTC-00033810

Stoney, Ericka
From: Libby Abright
[libbyincal@mindspring.com]
Sent: Friday, November 09, 2001 4:59 PM
To: ASKDOJ
Subject: USDOJ Comments-Microsoft win over the people

Where is the protection for me and businesses which serve me in the Microsoft case? Who was bribed to get this decision—or are our govt. people that stupid?

I have stock and don't want to see the company decimated, but I have been hurt, as has every one who uses a computer by the Microsoft monopoly and their defective software.

Don't you see the damage your settlement is doing? Look at the new software that puts restrictions on people who buy and use the software—we can't even use it as we please!
Libby Abright
228 Ximeno Ave
Long Beach CA 90803

MTC-00033811

Stoney, Ericka
From: MCDEVO3@aol.com
Sent: Thursday, January 03, 2002 8:13 PM
To: ASKDOJ
Subject: microsoft

Just a line or two to let you know how I feel about the microsoft case. Microsoft is one of the biggest holdings in many people's 401k, Ira.s.etc. Since the start of the anti-trust case the value of the stock has dropped. At a time when you want people to be less depended on social security and max out on their 401k plans, and keep up their IRA.s, you not only go after microsoft but also attack the many people who looked to the company for financial security, through their retirement plans. Ease up, and the stock could possibly rise restoring people's confidence not only in MSFT, but the stock market in general.

Thanks.
John McDevitt,
469 Foss Ave.,

Drexel Hilt, Pa. 19026
E-mail: MCDEVO3@aol.com

MTC-00033812

Stoney, Ericka
From: Tom Wright [TWright@Forte-industries.com]

Sent: Monday, November 05, 2001 1:08 PM
To: ASKDOJ

Subject: usdoj comments

For the first time in my life I am compelled to contact an office of my Federal government.

I am appalled at the "settlement" your department has reached with Microsoft. It disgusts me to see that a corporation that abuses its monopoly power and lies in federal court about its actions can receive virtually no penalty for that behavior. Your office is supposed to protect people like me from the likes of Microsoft. I voted for G.W. Bush but would not have done so were I aware that this obvious sellout would be the outcome. I'm sure that the decision to "settle" in this manner was cloaked in the guise of stimulating our weakening economy. What in effect you have done is to enhance the ability of that bully corporation (Microsoft) to further stifle ingenuity and creativity at the expense of the consumer and the taxpayer. This "settlement" will serve to only embolden Microsoft in the ruthless use of its power to crush their rivals.

Today I am ashamed of my government.

Thomas P. Wright
Sr. Software Engineer
Forte Industries
6037 Commerce Ct.
Mason, OH 45040
(513) 398-2800x206 (Voice)
(513) 398-2837 (FAX)

This email has been scanned by MailMax.
<http://www.maximizeit.net>

MTC-00033812 0001**MTC-00033813**

Stoney, Ericka
From: Tom Loveman [tloveman@ctnet.com]
Sent: Monday, November 05, 2001 9:38 AM
To: ASKDOJ
Subject: Are you out of your minds!

The Microsoft settlement proposal is a farce! Hundreds of companies and countless technologies have been oppressed, destroyed and/or plundered by Microsoft over the years. This decree does nothing more than LEGALIZE what they've been doing for decades! Now they have the government's permission to suppress ideas that compete with their own, and to abscond technologies and implement them internally rather than give credit to the companies that create them.

Are you so blinded by a recession and a war that you're willing to leave the hen house guarded by the fox!?

Microsoft was found GUILTY but the punishment does not fit the crime. Innovation? HA! The only section of Microsoft that creates ANYTHING innovative or of value is the Macintosh Business Unit because Apple users are so far ahead of the crap Microsoft puts out for PCs that the MBU has to do innovative things.

Tom Loveman
Tom Loveman
19201 Van Aken Blvd

Suite 513
Shaker Heights, OH 44122
216-561-9222 (H)
216-682-3104 (W)
<tloveman@earthlink.net>
<<http://www.earthlink.net/tloveman>>

MTC-00033814

Yanta, Judy
From: Jim Eddings [jime@acmeserv.com]
Sent: Monday, November 05, 2001 2:53 PM
To: ASKDOJ
Subject: USDOJ Comments- Microsoft Settlement

I applaud you for settling the Microsoft case, but wish to present one caveat.

More and more they are requiring their users to sign up for their Passport service to function with their other, unrelated products. This requires users to register with them, whether they want to or not. For example, users of some Microsoft game software are required to use Passport before the Microsoft technical support will even answer their email, even though the two products have nothing to do with each other. I know many Microsoft software users who are avoiding newer products so they will not have to register with Passport. The Passport service has suffered from documented security problems.

I implore you to build into your settlement language that would prevent Microsoft from forcing their users into this or any other product or service for any reason, and specifically forbids this from being a requirement for technical support on any product except itself. Microsoft has been moving toward subscription licensing to lock in their revenue stream even while their anti-trust case is going on, and these Passport requirements are appalling. It appears they are trying to prevent us from using anyone else's software with this practice!

Thank you very much for your consideration,

Jim Eddings
629 Torrence Dr.,
Gastonia, NC 28052
Information Systems Director,
Acme Petroleum & Fuel Co.,
Gastonia, NC 28054
(long-time Microsoft customer who loves the products and who is becoming very disgusted with their business practices)

MTC-00033815

Yanta, Judy
From: John Ridge
[JohnRi@homeproperties.com]
Sent: Friday, November 16, 2001 10:08 AM
To: ASKDOJ
Subject: USDOJ%20Comments
Sirs:

I had thought that you had set up on the website a forum to solicit comments regarding the Justice's settlement with Microsoft. If you have then you have made it exceedingly difficult to find because I cannot. That in itself is probably on comment on your desire to hear other opinions.

I would remind you that the Justice Department is here to insure that the laws are enforced to protect the people. With your proposed settlement with Microsoft you are not fulfilling this promise. It is obvious to

everyone that this case went from a prosecution of the laws to one of political expediency. This is nothing more than a slap on the wrist to the biggest monopoly since Standard Oil and everyone knows it. The American people's only hope now with this issue is that the states will be immune from politics and do what they are paid to do, protect the people.

Thank you for reading my comments.

John Ridge
19 Stover Road
Rochester, NY 14624
jridge@rochester.rr.com

MTC-00033816

Yanta, Judy
From: James P Liebmann
[jliebman@rochester.rr.com]
Sent: Monday, November 05, 2001 8:23 PM
To: ASKDOJ
Subject: USDOJ Comments—Microsoft Settlement

I am embarrassed to call myself Republican in light of this very disappointing settlement. The terms of the settlement are so ineffectual as to be meaningless. More small companies will get no financing for fear that Microsoft might enter that same product area. Other companies will be squeezed to death like Netscape was.

I am sorry to say that Attorney General Ashcroft has squandered some of his, and President Bush's, political capital, not to mention my tax money. The settlement terms do a great disservice to the American Public by allowing this company, which has been found by the courts to be a Monoplist, to get off with essentially no punishment and no effective change of behavior.

James P. Liebmann
18 Bromley Rd.
Pittsford, NY 14534-2934

MTC-00033817

Renata B. Hesse—Antitrust Division
US. Dept of Justice
601 D Street NW Suite 1200
Washington, DC 20530-0001
Subject: Microsoft Settlement

I am writing as a consumer and an amateur student of computer technology. I work for a medical research company in a position outside our Information Systems department. I have been an early adopter of home computing technology since the 70's.

I purchased my first IBM PC in 1981 and I have the receipt. The operating system (DOS) cost \$40 and the actual computer (without even a hard drive or a monitor) cost well over \$2,000. This came to well under 3% of the cost of the system. Today I can buy a vastly more powerful computer with a hard drive and monitor and much more memory for under \$1000. The reduction in price is because of competition in the hardware sector. The cost of the operating system for such a new system would be more than double even though it has not advanced as much as the hardware. And the hardware is much more capital intensive to develop particularly considering the reduced margins. This imbalance and the actions of Microsoft to achieve this condition are well documented in the Findings of Fact (in the case before Judge Jackson). I have read the

Findings of Fact as part of my interest in computer technology.

I am writing to express my complete dissatisfaction with the proposed settlement. It is not sufficient by a LONG shot. It will not restore competition nor will it punish the misuse of monopoly power. And finally (and this is my unique observation it seems) it will do nothing to restore the vigor to the development of software. Innovative software development "looks" like a Competitive market but I content it has been smothered along with many of Microsoft's competitors. The opportunity to make money from novel and innovative software has been deeply hurt by the abuse of the Microsoft monopoly. There must be an opportunity to make money and prosper in order to get investment money. We should have many times the number of innovative software companies that we have today. Today we have many companies using Microsoft tools and writing Microsoft programs and never able to get outside this narrow and restrictive canyon. Any effective settlement needs to address this situation by restoring opportunity.

Finally, I am just now reformed by the news wires of the proposed settlement by the 9 states not signing on to the DOJ settlement. They have a MUCH more realistic proposal. A bare bones operating system just might open a window for other competitors to come into the marketplace with innovative competitive products in this new lower tier market. This is the type of thinking that needs to be applied to the problem. The very best solution is to break the company up into several smaller competitive companies and that should never have been removed from the table.

Ben Bowers
420 Fruit Farm Rd
Royersford, PA 19468??

MTC-00033818

December 9, 2001
Pablo Oliva
60 Lehigh Aisle
Irvine, CA 92612
Renata B. Hesse
Antitrust Division, U.S. Dept. of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Mrs. Hesse:

I am a web developer in the Los Angeles area in California. I recently ran across this article online at <http://www.pbs.org/cringely/pulpit/pulpit20011206.html> which stated the following: "The biggest competitor to Microsoft Internet Information Server is Apache, which comes from the Apache Foundation, a not-for-profit. Apache practically rules the Net, along with Sendmail, and Perl, both of which also come from non-profits. Yet not-for-profit organizations have no rights at all under the proposed settlement. It is as though they don't even exist."

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's

criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business " So much for SAMBA and other Open Source projects that use Microsoft calls. The settlement gives Microsoft the fight to effectively kill these products.

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

But wait, there's more! Under this deal, the government is shut out, too. NASA, the national laboratories, the military, the National Institute of Standards and Technology—even the Department of Justice itself—have no rights. It is a good thing Afghanistan is such a low-tech adversary and that B-52s don't run Windows."

I hope that you understand the severity of this matter. The Open Source Software movement is truly a remarkable thing. Many great products have resulted from this movement. The Open Source community has spawned innovation and quality in software that is unsurpassed by Microsoft or any other commercial outfit. This movement and community is a great and weighty threat to Microsoft's business model. I encourage you to come to a complete understanding of the impact that the language of the settlement, which the above article sites, will have on the Open Source Software community. There is a big chance that Microsoft will have the ability to use this language to place pressure on and ultimately strangle the life out of the Open Source community... and this is an anti-trust case isn't it?

Regards,
Pablo Oliva

MTC-00033819

GRIMES & SMITH
CHARLES T. SMITH
(843) 546-6131
JOHN P. GRIMES
ATTORNEYS AT LAW
1112 HIGHMARKET STREET
FAX: (843) 527-6692
GEORGETOWN, SOUTH CAROLINA 29440
December 17, 2001
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20530-0001
Re: United States of America v. Microsoft corporation
Civil Action No. 98-1232 (TPJ)

Dear Ms. Hesse:

I have carefully reviewed the proposed Final Judgement in the referenced action and the opinions issued by the District Court and the Court of Appeals for the District of Columbia Circuit.

The minor restrictions in the proposed Final Judgement are rendered meaningless by the extensive exceptions and exclusions. Even if the proposed Final Judgement can fairly be interpreted to prohibit some conduct, there is no effective enforcement mechanism.

The proposed Final Judgement does not address Microsoft Corporation's serious violations of the antitrust statutes and does not serve the public interest.

Sincerely,
Charles T. Smith

MTC-00033820

Cole Thompson
2101 Webster Street, 20th floor
Oakland CA 94612
Tel.: 1-510-627-2245
Fax: 1-510-627-3030
Renata Hesse, Trial Attorney
Suite 1200

Antitrust Division, Department of Justice,
601 D Street NW, Washington, DC 20530
Subject: Proposed Microsoft Antitrust Settlement

Dear Attorney Hesse:

As a Senior Web Developer for Kaiser Permanente, one of the nations's largest healthcare providers, I am deeply concerned about the proposed settlement for the Microsoft antitrust case. For about the last five years, I have noticed that truly innovative technologies from small companies in the computing industry have tended to be withdrawn from the marketplace, apparently due to pressure or threats from Microsoft. During this same five years, the cost of Microsoft software has steadily increased, even allowing for inflation, while the cost of other companies' software (Sun Microsystems, Oracle, Sybase, Borland and many more) has almost without exception decreased quite dramatically. The costs of doing business as a software company have not increased during this time. The only reason Microsoft has bucked the overall trend toward less expensive software is that Microsoft enjoys monopoly power, and dictates prices to computer vendors. These arbitrarily increased costs are ultimately borne by American consumers. Consumers and businesses are damaged in just the same way that they would be if the cost of gasoline were doubled.

At a minimum, I see the following items as required for any meaningful remedy of Microsoft's conduct:

- Obligate Microsoft to include support for the Java platform in Windows, as asked for by the attorneys general of California and other states.
- Require Microsoft to make available to the general public (not just selected companies that Microsoft likes) the full details of formats used for storing data in files and databases.
- Require Microsoft to make available to the general public (not just selected companies that Microsoft likes) the full details of any networking protocols it uses to communicate between computers.

The importance of the last two points cannot be overstated. The most credible competition to Microsoft is coming from software developed in non-profit settings

such as university labs and loosely-knit cooperative consortiums (the so-called "Open Source" community). The proposed settlement would deliberately exclude these most promising sources of Competition from access to Microsoft file and network protocol information, which would be a grievous error at this stage of remediation.

Thank you for your attention.

Cole D. Thompson

Senior Web Developer, Kaiser Permanente

MTC-00033821

Charles Bennington
Oddcast Inc.
589 8th Avenue, 11th Floor
New York, NY 10018
Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001
December 20, 2001

RE: US v. Microsoft proposed final order

In my position as Chief Systems Architect for Oddcast, Inc., a software company based in New York, I have had the opportunity to observe the effects of Microsoft's monopolies on our business and our competitors.

I am writing to submit my comments on the proposed final order in the antitrust case against Microsoft. The remedies described in order do not seem at all satisfactory and will have a negative effect for business who wish to compete with Microsoft.

First off, the fact that the structural remedy initially ordered by Judge Jackson has been abandoned is quite disturbing. Judge Jackson reached his conclusions after being involved in the case for a long time. His proposed remedies were a reaction not just to the severity of the crime but also to the manipulative manner in which Microsoft behaved—and continues to behave.

The new remedies are not strong enough to penalize a company that has not only been found to violate antitrust law, but which has also failed to abide by previous agreements made between Microsoft and the DOJ. And of equal importance and urgency, the remedies do not look sufficient to curb Microsoft's tendencies toward anti-competitive behavior now and in the future.

The provisions in J1 and J2 are becoming widely recognized as providing too much opportunity for Microsoft to inhibit interoperability with software considered part of the free software movement. Several free software programs are considered significant competitors to Microsoft's products. This is acknowledged even by Microsoft. Microsoft should not be allowed to limit access to information used in programs such as Apache or the Linux operating system just because there is no commercial body responsible for these software products. While the software itself may be not for profit, there are many business that depend upon this software to make their profits and Microsoft should not be allowed to shut them out. I believe that the provisions in J1 and J2 will have a negative effect on the ability for business to compete with Microsoft and will help to expand Microsoft's current monopolies and provide Microsoft with opportunities to establish new monopolies.

The term of the agreement as proposed is too short. While the software industry itself is dynamic, the basic behavior of monopolies is not and five to seven years is not long enough to ensure that Microsoft's anti-competitive practices will be curbed.

The Justice department should not allow Microsoft to have such control over the proposed Technical Committee. Microsoft should not be allowed to appoint any members of the Technical Committee. I cannot imagine why a company found to be in violation of the law would be allowed to choose any member of it's oversight committee, especially when there are only three members. By allowing Microsoft to place someone of their choosing, they will have influence over the selection of the third member which could mean that the committee starts out with a two thirds pro-Microsoft majority. The Justice Department should be responsible for the appointment of all three members.

The level of secrecy surrounding the actions of the Technical Committee will also have a negative effect on it's ability to stay honest and fair. And the fact that they will be paid for and managed by Microsoft should remove even the last scrap of objectivity from the committee. If this proposal is to work, the Technical Committee will need to be restructured so that it has greater independence and more power.

Over all, I think that the proposed final order is not strong enough and should be reevaluated. In the seven years that Microsoft has been involved in proceedings with the Department of Justice, they have not seen their business harmed. Instead they have grown dramatically and further reinforced their monopoly position in many areas. They have openly flaunted consent decrees and tied up the investigation of their actions in a manner which only a company which can accumulate billions of dollars a year from its monopolistic position is able. The proposed remedies only serve to reinforce the status quo under which Microsoft has been allowed to grow unchecked—despite having been found to have violated the law. Without stronger remedies, Microsoft will only continue to stifle competition.

Sincerely

Charles Bennington

MTC-00033822

November 28, 2001
Robert H. Frudenberg
1109 Palm Drive
Burlingame, California
94010-3712
Renate Hesse
Trial Attorney, Antitrust Division
U.S. DOJ
601 D Street NW Suite 1200
Washington, DC 20530

Dear Sir,

It is most fortunate the Europeans are taking a more serious stand against Microsoft than the U.S. I find that Microsoft has quashed most competition by requiring dealers to install no other operating system on new computers if they want to sell Windows.

Also, the proposed settlement of giving used computers to schools is preposterous.

That is not a penalty. A penalty for a monopoly would be a breakup of major parts to allow competition to begin again. Microsoft should be required to release source code to developers so their products can work with windows OS and have no blue screens.

MTC-00033823

28 November 2001
Renata Hesse, trial attorney
Antitrust Division
U.S. Department of Justice
601 D St., Suite 1200
Washington, DC, 20530

Ms Hesse,

I would like to comment on the proposed Microsoft settlement. As an independent software developer who has been unemployed for most of the last 14 months, I very much feel the economic recession. Although the "dot-com" bust is undoubtedly a reason for the current lack of jobs, it is the predatory monopolistic practices of Microsoft Corporation which I feel is the main reason for the situation so many of us independent software developers find ourselves in.

The FUD, (fear, uncertainty and doubt) fostered by Microsoft's actions with regards to the Java programming language has severely limited the expansion of Internet software capabilities and the attendant programmer employment. Also, the way Microsoft has positioned its ".NET" strategy, as an alternative to the current Internet experience, rather than positioning it as an embrace and extend, has stagnated the development of Internet based computer applications. As an individual who chooses to develop and deploy Internet solutions on non-Microsoft software platforms, this has locked me out of business opportunities.

The three pillars of justice: restraint, rehabilitation and retribution are not adequately addressed by this proposal. While a measure of rehabilitation needs time for accountability, the settlement provides no relief from the monopolistic force of Microsoft's Internet browser, why is it that this is permitted? Microsoft must be forced to market their browser independent from their operating system. Also there is no retribution available to the thousands of companies and the over hundred thousand engineers who have been affected by Microsoft's actions. The Microsoft education proposal is a mockery of accounting and a piece of candy for Microsoft's thrust into education. I spent five years on the Riverview School District technology committee which is in King County, Washington; and a third of that time was spent trying to prevent the takeover of the computer resources by those who mistakenly believe that a single computer supplier is beneficial to the educational system.

I have encountered the lies, sabotage and intimidation of Microsoft for fifteen years now and I'm angry about the situation. I have enclosed a link to my resume, from which you can see I have been involved in software development which includes important work I did for the Apollo Space Program. <<http://home.earthlink.net/cascades/resume/BaissResume.html>>

Baiss Eric Magnusson ✓
cascades@earthlink.net

Cascade Web Design √ Software Design and Consulting, <http://www.cascadewebdesign.com>
32307 NE 193rd St. √ Specializing in WebObjects & Java
Duvall, WA. 98019 √ 425-788-2394

MTC-00033824

Post Office Box 3754
Oakland, CA 94609
6 December 2001
Ms. Renate Hesse,
Trial Attorney, Antitrust Division
Dept. of Justice
Suite 1200
601 D Street NW
Washington, DC 20530

Dear Ms. Renate Hesse:

RE: public comments on proposed settlement of U.S. Government vs. Microsoft Corporation in the matter of alleged monopolistic business practices.

The proposed settlement of the lawsuit of U.S. government vs. Microsoft Corporation is totally inadequate to rein in the past, continuing and growing abuses by Microsoft Corporation in the production, distribution and sale of their Windows and other software products.

After almost twenty years of bullying competitors with illegal monopolistic tactics, after being convicted in Federal court of serious and repeated violations of the Sherman Anti-trust Act, after destroying the market shares of Dr. DOS, Lotus123, WordPerfect and Netscape Internet browser softwares with illegal bundling, exclusionary contracts and other heavy-handed tactics, the mighty Microsoft Corporation has now condescended to allow PC manufacturers to "delete the Internet Explorer icon" from the starting Windows screen. Wow. The mind boggles.

Is the mighty Microsoft Corporation actually making a real concession to the concept of free market competition? Sorry. Its just another cheap MS trick to be allowed to continue their illegal and immoral monopolizing and bullying ways. Microsoft is trying to leverage its Windows PC operating system monopoly into dominating the Internet with its Explorer Browser, its home web page, microsoft.com and its latest offerings of its new Windows XP operating system.

Microsoft Corporation should not be allowed to expand into any new areas of technology, be it on the Internet or elsewhere. To date, Microsoft Corporation has shown very little if any understanding of fair play, fair competition or moral behavior. They are obviously in need of severe discipline.

The U.S. government should levy a fine of twenty billion dollars as just punishment for past monopolistic and illegal business practices over the last two decades. The consumers of the U.S. have been negatively affected by the bullying behavior of Microsoft Corporation.

Yours truly,
James K. Sayre

MTC-00033825

OFFICE OF THE MAYOR
SAN FRANCISCO

WILLIE LEWIS
BROWN, JR.
January 7, 2002
Renata B. Hesse
Antitrust Division
US Department of Justice
601 D Street NW
Suite 1200

Washington DC 20530-0001
Re: Comments of the Microsoft Proposed Settlement Agreement

Dear Ms. Hesse:

Microsoft is a company that has long provided good products to consumers and businesses, and it provides opportunities for other software companies as well to develop programs for the Windows platform. The provisions of the settlement, worked out with one of the nation's top mediators, will be good for consumers, businesses, the tech sector and the economy as a whole. I fully support the Department of Justice and the nine Attorneys General for their efforts to finally put an end to this case and agree to a settlement that is in our nation's best interest.

Sincerely,

WLB/cc

1 DR. CARLTON B.GOODLETT PLACE,
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94102-4681
(415) 554-6143
RECYCLED PAPER

MTC-00033826

Chun-Wai Chan
5555 S. Everett Ave., Suite E3
Chicago, IL 60637
773-324-8190
Fax: 773-324-8190
December 14, 2001
Ms. Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530-0001

Re: Dept. of Justice and States Settlement with Microsoft

Ms. Hesse,

I am writing to express my concern and disappointment with the Dept. of Justice's proposed settlement with Microsoft. I would like to exercise my rights under the Tunney Act and have my views entered in the following Federal records:

1. I ask that my following comments be accepted during the 60 day period after the proposed Final Judgment is published in the **Federal Register**.

2. I asked that my comments along with responses to them be published in the **Federal Register**.

3. I ask that my comments and the responses to them be filed with the court examining this settlement.

I believe the concessions made by Microsoft in the proposed settlement are inadequate in restraining their predatory and monopolistic practices in the computer industry. In particular Microsoft has too great a latitude deciding what constitutes its middleware and what constitutes its core operating system.

The alternative settlement submitted for review by the nine states opposed to the current Dept. of Justice settlement closes many loopholes which can and will be

exploited by Microsoft. I therefore urge the Department of Justice to adopt the new settlement proposed by the States Attorneys of CA, MA, CT, UT and the other 5 states opposed to the original proposed settlement.

Sincerely,
Chun-Wai Chan
Naturalized Citizen of the United States of America

Registered Independent Voter in the 4th Ward of the City of Chicago

MTC-00033829

From: Rufus Polson
To: Microsoft ATR
Date: 1/22/02 12:37 pm
Subject: Proposed Microsoft Settlement
Dear Officers of Justice,

I should note before beginning that I am Canadian, and as such lack standing in a United States proceeding. But it has been suggested to me that it would, nonetheless, not be improper to submit a respectfully phrased opinion, and I have serious concerns about this matter.

My first worry about the proposed settlement is that it cannot be enforced. The only penalty for noncompliance with the settlement, as I understand it, is that the settlement may be extended for two years. But how much effect can this have? Surely a company failing to comply with a settlement would have little trouble continuing for two more years to fail to comply. The history of Microsoft's behaviour suggests that failing to comply with a settlement is within the scope of their normal actions; the likelihood of this happening must be taken into account in any settlement, with noncompliance penalties on a scale sufficient to create strong disincentive even to such a massive entity.

My second is the lack of any penalty. In a country in which the criminal law strongly endorses retribution and deterrence as principles of justice, and in which corporations are legal entities with much of the rights and standing of persons, it seems appropriate to keep in mind the principles that are routinely applied to persons when dealing with corporate lawbreaking. This is the more true for corporations such as Microsoft in which the direction is so clearly set by a very few individuals, whose fortunes and identities are wrapped up closely in the corporation. In short, Microsoft as a corporation is guilty of a serious crime—this has been established. Microsoft as a corporation should be seen to be penalized, so that other corporations and their administrations realize that illegal monopolist tactics will not cause their companies to prosper.

My third is the weakness of much of the language, such that many things which the settlement appears on the surface to prohibit are in fact not prohibited in any serious way, whereas it seems that others still can be twisted in such a manner as to actually legitimize practises that would not normally be considered acceptable. Many other submissions, as I understand it, have gone into detail on these issues. I will not spend words describing them yet again.

Another problem is the inspectors. Their powers are unclear, and should be strongly

specified. The selection process seems inappropriate—why should Microsoft have a voice in selecting their watchdog? It is like letting a drug dealer vote on his parole officer. In addition, it seems as if they are to be paid by Microsoft—this is another damper on independence. It seems more reasonable that Microsoft should disburse a sum immediately, sufficient for their payment for the entire duration of the settlement, and the Department of Justice should pay them out of that sum.

Finally, the settlement seems of marginal impact even in its intent. Even if one were to ensure that it was complied with, clean up ambiguities in language so that the compliance reflects what some of the broader statements indicate to be the intent, and empower inspection sufficiently well to verify compliance, the results seem unlikely to curb Microsoft's anti-competitive behaviour to any great extent. Rather, it seems likely that Microsoft will be forced to curtail a few fringe practises, leaving the general pattern untouched and perhaps pushing them to intensify new anti-competitive practises in areas such as the internet and encryption, where they might take advantage of such laws as the DMCA to use proprietary encryption schemes and claim any attempt to interoperate with their encrypted files to be illegal.

In short, the proposed settlement is flabby and overspecific even in its intent—no tiger capable of reining such a massive organization, but a tabby cat. Its actual wording makes it a paper tabby. Let us not forget that this is a corporation with such contempt for the administration of justice that they presented falsified evidence to the trial court (their so-called demonstration of Windows 98 running slower without Internet Explorer, which was a mockup fabricated for the sole purpose of deceiving the court—an action which would have surely left any ordinary defendant facing additional charges for perjury and/or contempt of court); how likely is it that they will comply with any judicial decision one micron farther than they are absolutely compelled to? How likely is it, in fact, that any settlement without a major structural component will impact Microsoft's practises in any significant way? In the absence of structural remedies, it is at least essential that any settlement present a comprehensive catalogue of practises which are absolutely barred, presented in ironclad language, with massive, immediate penalties for deviation. And if this case is to deter others from similar practises and, in general, pass the message that antitrust law remains alive in the United States, it should involve a substantial penalty for past anticompetitive actions.

Respectfully yours,
Rufus Polson

MTC-00033830

From: Walter Schulz
To: Microsoft ATR
Date: 1/23/02 9:48 am
Subject: Microsoft Settlement

There are many factors which render the proposed final judgement both ineffective and incomplete. One argument which bears the burden of many industry concerns is that

of Dan Kegell's open letter to the DOJ (<http://www.kegell.com/remedy/letter.html>). This references his essay on the topic which can be found at (<http://www.kegell.com/remedy/remedy2.html>). These documents are well written and contain much information overlooked by the drafters of the PFJ. I have asked that my name be added to the open letter. Even these points do not complete the argument against Microsoft's monopolistic activities, It is evident that the drafters of the judgement have not been educated to a sufficient understanding of the enormous technical details which comprise the history of Microsoft's monopoly. These are, of course, too many to be discussed in a brief email. Please however consider the following:

* Microsoft's policy of trademarking common industry terms (such as "windows", "office", "access", etc.) To the end of excluding competitors' use of standard terms in the names of their products. "Windows" for example is a name in use by the "X Windows" system for the Unix well before "Microsoft Windows" came to market.

* Microsoft's habit/policy of modifying standard programming languages (to optimize them for the Microsoft Windows platform) and passing them off as the original standards. This is demonstrated in the development of "Microsoft Visual C++(a "version" of the C++ programming language for "Microsoft Windows") and J++(a "version" of Sun Microsystems' Java programming language. Since the suit with Sun, Microsoft has begun calling their version "Active X") Sadly, programmers who are educated using Microsoft's non-standard language versions may have difficulty writing for any platform but "Microsoft Windows" since these versions do not use standard development libraries. Thus the pool of development talent for competing operating systems is effectively decreased by flooding the market with these altered languages.

Thank you for your time. I wish you all the luck you will certainly need in effectively considering judgements in this case.

Sincerely,
Walter A. Shultz
Bethlehem, Pennsylvania
Electronics Technician
sanguine@fast.net

MTC-00033831

From: Dagny Haug
To: "microsoft.atr(a)usdoj.gov"
Date: 1/23/02 11:16 am
Subject: Microsoft Settlement
The settlement is *not* a good idea.
Dagny Haug
Associate Program Director
Edina Technical Education Center
University of Minnesota
<http://www.cce.umn.edu/infotech/>

Time is the coin of your life. It is the only coin you have, and only you can determine how it is spent. Be careful lest other people spend it for you.

Carl Sandburg

MTC-00033832

From: Mike Foley
To: Microsoft ATR
Date: 1/24/02 11:29 pm

Subject: Microsoft Settlement

Hello Judge,

I'm am writing this message to convey my opinion on the Microsoft settlement.

I feel that Microsoft is guilty of the charges brought by the government. I am greatly disappointed at the settlement. I read it the day it was released and quite frankly, I was appalled. And then to read a few weeks later, Microsoft's proposed settlement in civil suits where Microsoft would give computers and software to the education market told me that Microsoft has not learned. The proposed settlement would have devastated Apple Computer's lead in the education market!

I used to work for Digital Equipment Corporation. I "heard stories", many first hand, of the practices Microsoft used to great effect against DEC. Stories of "acquired" technologies, of Mr. Gates asking that competing technologies be cancelled, of Microsoft not pushing DEC's Alpha chip. Yes, they are "stories" Many were settled in out of court settlements so that we'll never know the final truth, but they are indicative of business practices practiced by a monopoly

To fairly settle this court action, I propose the following: (Not limited to these, just some things I believe should be addressed)

Open standards of document formats. Microsoft Office is the standard. Allow other companies to compete on form and function and innovation.

A business practices oversight committee that has real power to keep Microsoft in check Microsoft should have no say in who would be on this committee

Limit Microsoft's expansion into media They have MSN, MSNBC, etc.. I don't want to watch "All Microsoft, All the time". People who don't know better will see Microsoft on TV and on their computer and be "locked in". How does someone compete fairly when everything says "Microsoft"? If anything needs to be split from the main company, it's the media portion. It is truly scary.

Mandate government use of alternatives to Microsoft products. There's no good reason for the government to be feeding a monopoly. There are excellent operating systems out there. (Linux, Open VMS, HP UX, etc..)

Mandate to Microsoft that the government will only use open standard formats for things like documents and programming, and networking interfaces Microsoft must stop practicing "embrace and extend" where they take an open standard, add their extensions, and lock out others. In conclusion, I would hope that the court will ensure that Microsoft does not walk away from this with an slap on the wrist and a virtual "ok" to continue its predatory practices

I thank you for your time and your patience in reading this message.

mike
mike@yelof.com
<http://www.yelof.com>

MTC-00033833

From: Michael James Langford
To: Microsoft ATR
Date: 1/25/02 11:56 am
Subject: Simple to implement remedies.

Dear Sirs,

Microsoft clearly has maintained a monopoly via unlawful means. They do not deserve the public's trust, as they do not have our best interest in mind.

Most behavioral or structural remedies are too hard to effectively enforce on an adaptable company such as Microsoft. So instead affect a policy change for the Federal Government through careful restrictions on Microsoft.

Switch the entire federal government over from MS office and mail products to other companies products like Sun Microsystems's StarOffice products. Use an open file format, such as Rich Text, Html, or Latex as the standard for documents. Word documents can be easily changed over to these types through its SaveAs command, and this process can be automated through simple programs most programmers could write in a couple hours.

This sounds like an expensive switch over. Have Microsoft pay for the manpower to switch over all agencies. Make them split the cost of any new licenses 50%/50%.

To make this switch within the power of the court, you would have to phrase the judgement in a way similar to:

All licenses granted to the federal government of Microsoft Office 95, Office 97, Office 2000, and Office XP are hereby revoked. (The contracts cancelled).

A new 5 year license is given in lieu of the old license of each copy of that software.

Microsoft may not issue new licenses to the government for any Non-Operating System product. Microsoft may not bundle any office productivity software into its Operating Systems. This is in effect for the next 10 years.

Microsoft will pay all labor costs associated with switching to new office products, as well as 50% of the cost of all replacement software.

Any state or municipal governments may also have these same terms if they request it.

This seems to be an easy to enforce and equitable judgement that can be levied against Microsoft as a punishment, and does not cost any party but Microsoft an undue expense, while still being fair to Microsoft.

The only party remaining to be dealt with is the OEM's who have been forced into licensing contracts with Microsoft. To remedy that situation, allow any of them to cancel their contracts with Microsoft at any time in the next 5 years, and enforce a single PUBLISHED price for all OEM software purchases of Microsoft software. Allow compulsory licencing to at that price to any OEM that wants it.

Thank you for your time.

Yours truly,
Michael Langford

MTC-00033834

From: scj@marcsys.com@inetgw
To: Microsoft ATR
Date: 1/27/02 9:41 am
Subject: Microsoft Settlement

I am opposed to the current Microsoft settlement. Others, more eloquent than I, will detail the reasons why this proposal will not restore competition in the marketplace or provide sufficient cause for Microsoft to change their monopolistic behavior. As a

software professional with over twenty years experience and whose undergraduate course of study was in computer science, I have watched as Microsoft has continually impeded innovative developments. Microsoft follows a fairly consistent plan:

(1) Ignore the innovation (e.g., web browser, disk compression, java, etc.) until it can no longer be ignored. Then,

(2) Respond to the innovation by saying that it is without merit. When this is insufficient to keep the innovation from the market,

(3) Either buy the developer of the innovation or "partner" with them. "Partnering allows Microsoft the time to develop the software in-house. Once the in-house version is ready, Microsoft will ruthlessly "bundle" it into their offering at "no additional cost" thereby destroying the market for the original developer. Finally,

4) Claim the innovation was due to Microsoft in the first place.

For the good of the consumer, market, industry, and country this anti-competitive and monopolistic behavior must stop. Based on the past behavior of Microsoft, with respect to previous Department of Justice actions, there is nothing which suggests that Microsoft will follow the spirit, or even the letter, of the current proposed settlement. They have consistently flaunted the law and have treated any cost or enforcement action as a normal "cost of doing business." Without any meaningful competition they can do this with impunity.

I would encourage the Department to re-evaluate this far too lenient settlement and devise a solution which, even in the face of determined Microsoft attempts at circumvention, will help restore competition and innovation to the marketplace.

Sincerely,

Steven C. Johnson \ scj at marcsys period com

13906 Flint Rock Road \
Rockville, Maryland 20853-2649 U.S.A. \

MTC-00033835

From: Tal Eidelberg
To: Microsoft ATR
Date: 1/27/02 8:58 pm
Subject: Microsoft Settlement

The final settlement proposal by the United States, suggests sanctions that will be imposed on the Microsoft Corporation. These sanctions are supposed to imply that the US government and department of law disapprove of Microsoft's monopoly over the PC operating system market, and Microsoft's use of this monopoly to dominate other markets, such as the web browser market. My opinion is that it is not right for the government to intervene with the natural selection of the software industries, and that such an intervention ultimately does not help the markets, the customers.

Looking back to the 1990s, it is obvious that the PC market has undergone a revolution. The main change was that PCs became user-friendly, and that almost any average non-programmer could use them. Because of this new user-friendly style, the PCs became very popular, their prices dropped, and the new now-affordable computers were summoned to help in many

places where they were desperately needed. The upbringing of this revolution, by all means, should be accredited to one organization, the Microsoft Corporation. Microsoft Corporation through many years of dedicated, complex software development, had built an operating system that is unbelievably simple to operate and is intuitive enough for a seven-year-old child to handle. The qualities of the windows operating system series is the sole reason that Microsoft originally became successful, and therefore Microsoft is rightfully dominating the PC operating system market, which Microsoft fostered. The inclusion of Microsoft's Internet Explorer for free with the windows 98 operating system is a one hundred percent legitimate market strategy. I believe that a company that develops a widespread product, such as Microsoft's Windows operating system, it should hold the right to further add and develop that product as it sees suitable for the company's benefit. Software markets are fast moving, and companies rise and fall fairly quickly. This is for no other reason but the fast moving pace of technological advances of our century. There is no guarantee for any one company that its product will be required in the near future. Microsoft has done a great job in surviving the cut-throat competition of the software technology market, and along the way defined and introduced many standards such as COM software objects, which left the entire software developer world swayed with astonishment. The intervention on the behalf of the government by no means helps the customers. Customers who wish to use non-Microsoft operating systems are free to choose from an array of products such as Unix, Linux and OS2 to name a few. By forcing Microsoft to allow competitors to create new operating systems, the government is actually lowering the standards of competition that were defined by the natural market. The end result is that the customers get lower standard software, and eventually the PC software market will gain a low quality reputation that will decrease the market's scope.

The employment of unlawful techniques to maintain monopoly, or to achieve goals should be forbidden and fought. In the case of Microsoft's offer to Netscape where it was suggested that Netscape does not compete in the operating system market, and in return Microsoft does not compete in the web browser market, it is clear that the intention of Microsoft was to unlawfully maintain a Monopoly. A situation such as this obviously hurts customers and the market, and therefore should be dealt with and punishment should be sought in a rightful magnitude. This, however, should not imply that all of Microsoft's actions are unlawful and should be constrained. As it seems Microsoft controls the operating system market today. There is, however, no guarantee that the future will be as fortunate for Microsoft as the past had been. In today's free competition markets, Netscape can use the same techniques used by Microsoft and distribute a free version of Unix for example with their web browser Navigator product. Free competition is the basis for a great economy, and therefore the government

should not intervene, unless companies act unlawfully.

Tal Eidelberg

MTC-00033836

From: Casey Keller

To: Microsoft ATR

Date:

Subject: Microsoft Settlement 1/28/02 2:28 am

To the Honorable Department of Justice—

It is as a student, a technician, and an end-user that I wish to add my comments as per the Tunney Act concerning the settlement proposed by the corporation in question, Microsoft.

Before I begin individually laying out my reasons for my views, I must first denounce the proposed settlement as a mockery of justice, the institution of the courts, the welfare of the consumer, and the sensibility of the media and the general public.

We speak of punishment of criminals yet we are prepared to enact a double standards of rewards for crimes of business.

The practice of the Microsoft Corporation has been established as a violation of antitrust laws. From the packaging of the Internet Explorer web browser with its operating system, fully integrate it with the operating system of Windows to its current methods of furthering the hold on the software industry with Microsoft Office, Windows Media Player, built-in firewall for XP, .NET system, and the coupling of Microsoft Network with Windows XP, or its suit over the Windows names. This case began in 1995 and now in 2002 we are willing to settle with a turn of our backs.

I could list piece-by-piece what I view as theft by this Giant. I could easily attempt to make my case that Microsoft has not produced, in general, a product solely of its own without building it or modeling it from a product of another company. Whether it is the windowing system concept (Macintosh), DOS (Caldera), Start Menu (Apple), Terminal Services (Symantec's pcAnywhere / AT&T Virtual Network Computing), firewall and multiple logins (unix, Linux iptables/ipchains). I could sit and justify the vantage that the richest man in the United States built his fortune upon the backs of stolen ideas. A criminal never brought to trial.

As a student, I am dishearten to see the movements in the university systems to be Microsoft-centric. Database classes are taught with Access, programs are to be written with Visual Basic/C++/J++, web design is taught via Frontpage, and the operating system of choice for labs is Microsoft Windows. At what cost? If you are to look at the per-seat licensing of Microsoft we are spending fortunes on software at the cost of a broad education. We learn by the bloated non-standards and hope that we can push in the real world. We fail to learn systems outside the deal.

As a technician for an internet service provider, I am force to witness first hand the limiting force of a monopoly. When a call comes in the first generalized question that comes to the client is, "What version of Windows are you running?", followed by "What version of Internet Explorer are you running?". Common issues are virii, tcp/ip

stack failures, win modem initialization strings, corrupt executables of Windows components. Because Internet Explorer is intergrated with the Windows operating system, the user interface is slower, if Internet Explorer blows up you lose the stability of your system, and users are unable to regress to a previous version or remove the faulty component. Security is negligible, the mail system is a petri dish for virii, and the networking leaves much to be desired. On a day-to-day basis, I have to deal with problems of Windows "forgetting" settings and devices or perpetuating unneeded data in the way of networking addresses. Hardware compatibility is greatly reduced as it as modems are software based ("winmodems"). Internet access setup is hindered by the persistence of MSN (The Microsoft Network) in terms of web browsing, messaging, dial-up networking, and communications compatibility.

As an end-user, I cannot help but to feel that I have been violated. I used in-house networking to share information between my laptop, my sister's computer, and my home system. My laptop is an Apple Powerbook running Mac OS X, my desktop is Redhat Linux 7.2, and my sister's machine is Windows 2000 Professional. I have had to run numerous security updates on Windows 2000 and its predecessor Windows 98. XP, which I had test ran has holes in security large enough to sail the US Navy through. Non-Microsoft programs are "crash-proned" by the operating system. I cannot help to feel that as a consumer I the Warranty of Mercantibility failed to apply to Microsoft products. I deal with file sharing compatibilities with SMB RPC calls. I feel cheated. The cost is high-way robbery.

In an industry where compatibility is a necessity, Microsoft continues to violate standards in security, networking, programming. Its movement to control the wealth of the industry has damaged the industry and the economy of the United States of America. We cannot pretend that keeping the ingrediants in one pantry allows every one to taste the pie. Unemployment, job cuts, and damages are left in the wake of postponed action.

The proposed settlement is not a punitive settlement, but an extension in guise that fails to be in the best interests of justice, consumers, and the general populace. The "donation" of monopoly software to an area where the monopoly is not in existence is the furtherment of the monopoly. It is the allowing of Park Place and Boardwalk with hotels to reap Community Chest.

On the other hand, I agree with the proposed settlement of Redhat. Let Microsoft purchase The equipment, let another software vendor provide the software. Software that is not terms limited, useragreement stipulated, bug-ridden, security questionable, and compatibility hell. I would further like to propose the removable of Internet Explorer and Media Player from current and future versions of the Windows OS along with the shutdown of the Microsoft Network. Do not allow one trust for another another. Anything short of this would be unfair when you look at the settlement that prevent AT&T from developing Unix and

establishing its lead role in the computer industry.

I apologize that my statements here are more brief than I had intended and may not be as clear and concise as I feel that is needed to set a better light on this blite.

However, in closing I wish to ask that the Department of Justice act as a doctor and treat this case as curable form of the AIDS retrovirus. Medicare it. Prevent it from injecting and taking over new cells. Prevent it from disabling the guards against it. I also wish to ask the the Department of Justice to act as a strong Prime Minister. Do not do an appease. Europe settled to give Hitler one victory, but found that one eventually equated to many. Politics and history often meet with business to form one. Apply it.

Sincerely,

Casey W. Keller

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MTC-00033837

BFI Waste Services of Charlotte

January 17, 2002

Renata Hesse

Trial Attorney

Antitrust Division

Department of Justice

601 D Street NW, Suite 1200

Washington DC 20530

Fax 202-616-9937

Subject: Support for Microsoft Settlement

Dear Ms. Hesse:

For more than 20 years, I have worked in different aspects of the waste management industry. During that time, I have seen dramatic changes in my industry as well as the overall economy. Certainly the use of technology has dramatically changed the way business is done. The waste industry is much more efficient and more capable of keeping track of equipment, waste sites and a variety of other aspects of our work because of technology.

I have watched the antitrust litigation against Microsoft with interest not only because of the impact on technology but also the impact it could hve on innovation and product development. While not a panacea for the concerns voiced by computer makers and software developers, the proposed settlement agreement will give them new rights to configure Windows so that non-Microsoft products can be used. Microsoft has also agreed to the establishment of a technical committee to monitor progress of the settlement and to provide a venue for concerns of computer makers, software developers and consumers.

Microsoft will have the freedom to continue efforts to develop new and innovatice products. Innovation is key in this country's ability to thrive in a global marketplace where foreign competitors try to replicate our products and sell them at cheaper prices to undercut our economic growth.

The proposed settlement agreement provide protections to all involved in this

industry— Microsoft itself, its competitors, computer manufacturers, information technology providers and, most important of all, the consumer. From my own experience, I know how difficult it is to come up with a compromise. I encourage a quick resolution to the litigation so the technology industry can focus on regaining its competitive edge in the world economy.

Sincerely,
Tony Davies
5105A Morehead Road . Concord, NC
28027 . (704) 393-6900 . Fax (704) 782-2177

MTC-00033838

Products Inc.
Creek Road, FF-202
Charlotte, North Carolina 23205
Phone 704-373-9889
Toll Free 888-332-2888
January 22, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms Hesse
I am writing in support of the proposed settlement in the United States v. Microsoft case. The Antitrust laws were meant to protect consumers, not to stop market competition.

As a small business owner, I believe this proposal will not penalize other competing operating systems. This proposed settlement encourages more competition and greater innovation. All new

Microsoft operating systems, including Windows XP, would have to include a mechanism that readily allows end users to remove or re-enable Microsoft's middleware products, such as the Internet web browser.

We need to be encouraging the technology sector, which is critical to our economic recovery. This agreement is good for the technology industry, the economy and consumers.

Sincerely,
Evan J. Boxer
President
EJB/dgb

MTC-00033839

Jan 07 02 02:21p
FROM:
Gary Pearce
FAX NO. :
Grace Chirico
6689 English Ivy Lane
Raleigh, NC 27615
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:
I write in support of the settlement for the U.S. v. Microsoft case. The settlement will end damaging litigation that has harmed consumers and dampened innovation among technology companies. It is time to end the litigation and to encourage new economic opportunities for technology companies as well as provide investments in education,

having worked as educator for more than 30 years, I know how important it is to encourage creativity and new ideas. Allowing technology companies the opportunity to innovate and integrate products without government interference will benefit all of us. This is a time when we need to encourage innovation and get our economy moving forward. Settlement of this case would be an important step in that direction. As a consumer, I need to be able to get affordable software that I can rely on. Microsoft products are easy to use and allow integration of several software programs for consumers who do not have a lot of experience with computer programs.

Grace Chirco

MTC-00033840

Jan 07 02 02:21p Gary Pearce
9197878031
P.3
Summers Consulting Services
Brenda J. Summers, Ed.D.
December 13, 2001
6561 Heorthsiona Drive
Raleigh, NC 27615
Telephone; 919-847-3184
Fax: 919-841-4220
E-mail: bsummer@mindspring.com

Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street. NWI Suite 1200
Washington, DC 20503

Dear Attorney Hesse;
I support for the settlement that has been reached with Microsoft Corp. in the nationwide product pricing class. actions. Consumers have benefited from Microsoft's innovation, which has resulted in better products and lower prices.

The dramatic commitment that Microsoft has announced to the public schools will go a long way toward addressing this need. Further, it helps put an end to costly and damaging litigation which already has gone on too long and caused too much harm to an economy that is in recession. The settlement is in everyone's best interests. The technology industry, consumers and the economy will all benefit to an end to this litigation.

I know I speak for many Americans who believe that the perfect end to this long chapter of litigation would be a settlement that invests in educating our children and building our economy.

Sincerely,
Brenda J. Summers, Ed. D.

MTC-00033841

Sent By: Town of Littleton;
978 952 2718;
Jan-10-02 13:59;
Kennard A. Spencer
P.O. Box 381
Littleton MA 01460
January 9, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse,

As a retiree who depends much upon his investments for income, I want to express my concern regarding the ongoing antitrust case against Microsoft. I do not deny the Justice Department their right to pursue and prosecute violations, but I would hope that they would be a little more cognizant of the effects of their actions. Antitrust actions are not isolated affairs, and an attempt to punish Microsoft for whatever real or perceived offenses has impact on many people.

Ever since the Justice Department began its action against Microsoft, the high tech sector stocks, not only Microsoft but others, have plummeted effecting investors nationally, including institutional investors such as pension funds. This has caused an enormous loss of wealth across the country. I know from conversations with many others that I am not alone in seeing the obvious connection between the antitrust case and the economic slowdown. In such a questionable case of antitrust violation, with no apparent victims, shouldn't the government consider the dire consequences of its actions?

It is my understanding that the Justice Department has presented the Judge in the case with a settlement agreement they have negotiated with Microsoft. For all the reasons cited above, I strongly urge you to do whatever you can to see that it happens.

With sincere respect,
Kennard A. Spencer

MTC-00033842

Sent By: Town of Littleton;
978 952 2716;
Jan-10-02 13:59;
David C. McCarthy
133 Ashburnham Street
Fitchburg MA 01420
January 7, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington DC 20530

Dear Attorney Hesse:
Count me as a consumer and citizen who wants to see the government's case against Microsoft Corporation ended. Thirty million dollars later, and we come to discover that this was all really about some zealous attorneys trying to get the government to pick sides in the high-tech marketplace. One doesn't need to be an expert at antitrust law to know that Microsoft has not had any monopolistic stranglehold on the information industry; just walk into any Office Depot, or open any newspaper and see the variety, the competition and the falling prices. There is no cause for government action here.

And then comes the likes of proComp, AOL Time Warner, Sun and Oracle, all looking to have the federal government carve out special rules and conditions to favor them. This is not what the free-market system is all about. It's time to end the feeding frenzy, and end the court case. I see that the Justice Department is finally looking to settle the case, and that Microsoft has agreed. Please, let's just do it. I urge the judge to accept this settlement, and we can all get out of this sooner rather than later.

Sincerely,
David C. McCarthy

MTC-00033843

Sent By: Town of Littleton;
978 952 2718;
Jan-10-02 13:59;
Page 4/4
ASA
ALLIANCES
INCORPORATED
Attorney Renata Hesse
Antitrust Division
Department of Justice
610 D Street NW, Suite 1200
Washington DC 20530
January 9, 2002

Dear Attorney Hesse,

I would like to take this opportunity to voice my opinion during the public comment period for the Microsoft antitrust settlement proposal. I wholeheartedly support the decision to settle rather than litigate, and I applaud the Justice Department for crafting a strong resolution which allows Microsoft to remain free to be innovative, while protecting the consumer. It is my hope that Judge Kollar Kotelly will see this as being in the best interests of the country.

The past few months should give us all cause to stop and reflect. We need to be unified as Americans, not only to show strength internationally but also to meet the challenges of reinvigorating the economy. If we can find a way to settle this case, then perhaps both Microsoft and the other companies opposing it can get back to developing technology and expanding business; This settlement proposal seems to be the best chance we have of turning this into a positive for the country.

Thank you for considering my thoughts on this matter.

Sincerely,
Jennifer Lappin

MTC-00033844

Renata Hesse, Esquire
Trial Attorney—Antitrust Division
Department of Justice
601 D Street, NW, Suite 1200
Washington, DC 20530
Fax 202-616-9937

Dear Ms. Hesse:

For more than three years and at a cost of many million of taxpayers' dollars, the United States Justice Department has pursued an antitrust suit against Microsoft Corporation. As an interested taxpayer who has no direct financial interest in this proceeding, I strongly believe that the case has had no beneficial impact and that the settlement should be approved by the federal court.

I remember not too many years ago, as a novice computer-user, using Prodigy for my Internet service. Prodigy then was rapidly supplanted by competitors, just as Microsoft supplemented Apple. The lawsuit against Microsoft was largely initiated by a Microsoft competitor, Netscape, which is now part of AOL Time Warner, an Internet behemoth in and of itself.

The point is that the marketplace, especially the Internet marketplace, has its own way of rewarding and penalizing

companies' behavior—rapidly and sometimes brutally. The federal government, especially the federal courts, cannot respond rapidly and intelligently enough, even if it can respond brutally.

As a former judge and Supreme Court Justice, I know the limitations of the courts, and I believe this court has found its limits in this case. It believe this view is reflected in the decision by the Attorney General of the State of North Carolina to accept the settlement. I hope that the courts will now restore good sense to the government's oversight of the information-technology industry.

Sincerely,
Phil Carlton

MTC-00033845

Betty Combs Owen
529 Ellynn Drive
Cary, NC 27511
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing to express my support for the settlement under consideration in the U.S. Justice Department's antitrust case against Microsoft. For the past sixteen years, I have served as Executive Director of the Emerging Issues Forum at North Carolina State University. Many of our annual forums have focused on the remarkable advances in information technology that our nation has enjoyed—and the incredible economic growth and opportunities that have resulted. Without Microsoft's leadership and innovation, these advances might not have happened. Whatever wrongs Microsoft may have done in its efforts to compete in this rapidly changing and highly challenging field, I do not believe our nation's best interests are served by prolonging this litigation. I am pleased that the State of North Carolina has accepted the settlement and is no longer a party to the action. I hope that the federal courts will take the same course.

The settlement agreement provides an enforcement mechanism that will have the resources, access and authority needed to respond quickly if there are any future complaints about Microsoft's business activities. This mechanism, along with the restrictions imposed on Microsoft by the settlement appears to be a fair and reasonable way to resolve this matter. I hope that the federal court will do so quickly. Thank you for allowing me to express my opinion.

Sincerely,
Betty Owen

MTC-00033846

January 14, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

I am a senior programmer analyst for a National Bank. AS such, I have witnessed first hand the negative impact this needless litigation has had on the American IT

industry. I am in favor of Microsoft's willingness to make the concessions they have made in the spirit of resolving the lawsuit. However, I believe the terms of agreement go too far. For instance, Microsoft agreed to share with its competitors' proprietary information it has worked hard to develop. Additionally, Microsoft has agreed to the creation of a technical oversight committee, which will monitor its business practices. This concession goes above and beyond what should be expected of Microsoft. The agreement should be approved in its present form and no further federal action should be taken.

I appreciate your efforts to ensure a prompt resolution of this suit in the best interests of the American IT industry and the American public

An American IT worker,
cc: Representative Bob Stump

MTC-00033847

Hew Hampshire Homeowner/Main Street Alliance
30 Norway Hill
Hancock, New Hampshire 03449
888-666-4782
VIA FAX (202) 616 9937

January 11, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

I am writing on behalf of NH Homeowners/ Main Street Alliance to encourage you to approve the proposed settlement between the United States Department of Justice and Microsoft Corporation.

Our organization is a consortium of business organizations in New Hampshire dedicated to helping the economy of our state while also working with local, state and the federal government on issues that affect our membership. New Hampshire is very much a high tech state ranking second per capita in the number of residents working in high tech. The Microsoft case is one, which we have followed closely.

A competitive marketplace producing better products, more choices, and lower prices is in consumers' best interest. It is imperative that competition be encouraged, in order to provide the platform for high quality, innovative products which will inevitably benefit consumers as well as the high tech marketplace. The continuance of this case has only hurt the economy and the many small, medium and even large businesses that have seen their fortunes adversely effected in the last year. It is time to put this case behind us and get the entire high tech industry focused on innovation again and not litigation. It is evident that the conclusion of this case is in the best interest of consumers, the economy and entire high tech industry.

Thank you for your attention.
Lauren Carney

MTC-00033849

Ain't America Great!
1341 College Point

Winter Park, Florida 32789
January 22, 2002
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I am aware that a settlement has been reached in the Justice Department's three-year case against Microsoft. I support the settlement, even though I don't believe that the government, MY GOVERNMENT, should have even recognized the complaints of their competitors in the first place. I think it is in the government's, and our best interests to accept the settlement and move on to more important matters.

If it wasn't for Microsoft, I would not be as computer literate as I am today, and I'm just an ordinary citizen who has had no training, no schooling in use of a computer. I know that there are plenty of middle aged and older Americans who have had to learn to use this technology on their own. Microsoft products made it easy, non-threatening and affordable. Their products caused the huge number of purchases of personal computers and associated items that drove our country's economic success and increased productivity in the '90's. I think it is sad that they are being penalized for America's success.

The terms of the settlement are reasonable, despite my objection that this case should not have been brought in the first place. Microsoft if making changes to prevent any future antitrust practices. It has agreed to establish a three-person technical committee which will monitor Microsoft's compliance with the settlement. Microsoft will use a uniform price list when licensing Windows out to the largest 20 computer makers in the United States. They have agreed to document and disclose for use by its competitors various interfaces that are internal to Window's operating system products

I ask that the government stop spending my resources to penalize Microsoft's success and agree to the settlement terms.

Randy Braden

cc: Representative Ric Keller

MTC-00033850

Jan 24 02 02:23p
Gary Pearce
9197878031
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530
Fax 202-616-9937
microsoft.atr@usdoc.gov
Neil J. Rudolph
Vice President
PLAZA ASSOCIATES, INC

Dear Ms. Hesse:

I sincerely hope that the federal courts finally will put an end to the government's pursuit of Microsoft. The national economy has been hurt enough, the technology sector has been hurt enough, the nation's most important software company has been hurt enough, and no damage to the consumer and end user has ever been proven.

The stock market meltdown and the ongoing layoffs through the technology sector demonstrate that this proceeding should be stopped. The settlement that has been reached appropriately punishes Microsoft and protects against any future anticompetitive behavior. It is time to let the marketplace, not the courtroom, determine the future of this industry.

Thank you for your attention.

Sincerely,

Neil J. Rudolph

MTC-00033851

2860 Hillcrest Lane
Northbrook, IL 60062
December 7, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

This letter is to express my support for the recent agreement reached between the Department of Justice and Microsoft. This proposed agreement has ended a long three-year court battle brought about by the Department of Justice against Microsoft. I have long felt that this antitrust suit was unfair. I believe if a person has the guts and intelligence to pursue his or her particular dream, they should not be punished if they achieve it. Thank you for working to settle this.

But beyond my personal feelings, it is best for the country to move on. As you know, Microsoft agreed to a number of provisions demanded from the Justice Department, and an oversight committee was formed which will monitor Microsoft. No more is needed. Therefore, the Department of Justice should not pursue this matter any further. We are in a time of great stress in this country. We need to allocate our time and money to resolve the obvious problems at hand, not keeping arbitrating a settlement that has already been negotiated.

Sincerely,

Robert Brandt

MTC-00033852

3280 Sportsman Club Road
Bourbonnais, IL 60914
November 30, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft

I would like to take some time to express my opinion about the settlement that was reached between the Department of Justice and Microsoft. The settlement brought an end to the three-year antitrust dispute, and was fair and just. I also hope that there will be no more legal action against the Microsoft Corporation at the Federal level.

I simply do not understand why American taxpayer dollars have been misused in the pursuit of litigation against Microsoft. Now more than ever, America needs to spend its money more carefully. The economy is still suffering from the beginning of this whole dispute, and the stock market is in disarray. Microsoft has done much for this country and has completely changed the face of the

computing and technology industries. They need to be allowed to continue bringing new and useful products to the marketplace.

I appreciate your time and consideration on this issue. I am happy with the settlement, and urge you not to further trouble Microsoft. Thank you.

Sincerely,

Donald Burlison

MTC-00033853

From Leon H. Carrington January 28, 2002
22022 Gloucester Court 3-B
Lexington Park, Md. 20653
To: Renata Hesse, Trial Attorney
Antitrust Division
U.S. Department of Justice
601 D Street, NW Suite 1200
Washington DC 205030

My name is Leon H. Carrington, I am a citizen of the United States and I am herewith submitting my comments regarding the Proposed Final Judgement in Civil Action No. 98-1232, United States of America v. Microsoft Corporation.

The government has breached its duty to the public by offering the Revised Proposed Final Judgement (Final Judgement) as a Final Judgement and settlement in the case United States v. Microsoft Corporation. The remedy proposed is not effective for correcting or eliminating the violations alleged in the Complaint (Civil Action No. 98-1232 (CKK)). The remedy proposed would create more harm to the public than the damage alleged due to the fact that the proposed remedy would ignore serious allegations and behavior found by the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia, to be in violation of the Sherman Act; and it would confer upon Microsoft powers and authority the market does not allow it to possess currently. Thus, the proposed remedy would not be in the public interest and would be disastrous for many third parties, while greatly benefitting Microsoft. If the remedy proposed includes both the Final Judgement and the Competitive Impact Statement, the proposal is wholly inconsistent with the Complaint and its allegations due to the fact that the Competitive Impact Statement is not even consistent with the Final Judgement which in turn is not responsive to the Complaint.

Specifically, the most glaring and perverse inconsistency is the base of nearly all damage rendering the Final Judgement inadequate and insulting. That inconsistency is the fact that the Complaint is substantially built on the definition of an operating system. The Competitive Impact Statement defines an operating system in a manner wholly consistent with the Complaint. The Competitive Impact Statement definition is in Section III "Description Of The Practices Giving Rise To The Alleged Violations", subsection B "Factual Background", subsection 1 "Microsoft's Operating System Monopoly". The Complaint definition is in Section IV "The Relevant Markets", subsection A

"The PC Operating System Market". Astonishingly, in this very subsection the Complaint states truthfully, that No other product duplicates or fully substitutes for the

operating system.” Yet the Complaint incorrectly states in Section IV “The Relevant Markets”, that “There are two relevant markets. The market for personal computer operating systems, and the market for Internet browsers.” This is foolish, indeed. There are two relevant markets. The market for personal computer operating systems, and the market for applications which includes Internet browsers. Note also that the District Court found and the Appeals Court agreed, that Microsoft illegally tied its Explorer browser into Windows in a nonremovable way while excluding rivals, in violation of section 2 of the Sherman Act. The illegal tie-in also injured certain other application developers developing under Windows, who may not have been involved with browsers..

Notwithstanding, the Complaint makes reference to “Microsoft’s Windows operating system” in section III subsection C. The Complaint refers often to “Microsoft’s Windows operating system monopoly”. That an operating system enables virtual software unification of the hardware computer components and resources, exposing them, and thus facilitates use of those resources and components by users (consumers) and applications, is a perfectly acceptable and commonly understood definition of an operating system. However the Final Judgement creates a new class of product called a Microsoft Operating System Product (my emphasis) This new class, according to the Final Judgement, includes Windows 2000 Professional, Windows XP Home and Professional, and their successors. The Final Judgement further states in the definition of the term “Microsoft Operating System Product,” that the code comprising the same “shall be determined by Microsoft in its sole discretion.” (Section VI—Definitions) We are lost. In spite of the fact that the Competitive Impact Statement recognizes what an operating system is, it confers upon the above listed Microsoft operating systems the designation “Microsoft Operating System Product”. The new class and the reliance on Middleware by the Final Judgement and the Competitive Impact Statement, permits Microsoft to evade due penalties for established violations and further abuse their operating system monopoly by expanding their “tie-in” policy and rendering harmed ISV’s among others, to the status of market irrelevance. This is a position Microsoft does not currently enjoy. Allowing Microsoft to define what an operating system is (through their monopoly control and now U.S. Justice Department assistance) eliminates the threat of Middleware and applications which may compete with Microsoft applications. Indeed, applications not yet conceived can be preempted until Microsoft “discovers” them and adds them to their monopoly. For such cause, many people recognize that breaking up Microsoft is the best first step in correction of alleged and established abuse. Recognizing and enforcing the legitimate (in this case) separation of operating system and application is the best way to eliminate the basis by which Microsoft’s abuse of its monopoly operating system caused damage and continues to do so. Separating the operating system would encourage its owner to make public all feature provided by the

underlying hardware manufacturers. It would further encourage competition between hardware component manufacturers which manufacturers are as much victimized by Microsoft’s abuse of its monopoly operating system as consumers and ISVs by virtue of the fact that hardware components’ interfaces must suit the Microsoft vision or be excluded. This why so many computer software game manufacturers continued to develop for DOS well into the late 1990’s: the Windows interface denied them full access to the functionality that enabled them to distinguish themselves and satisfy their customers. No other vertical software market had a customer base that allow it or the underlying hardware vertical market to “rebel”. We are missing many new innovations.

Evading the operating system definition eliminates or surely deteriorates the possibility of illegal tie-ins. All potential beneficiaries of just and reasonable corrections that would have been established by faithfully addressing the allegations of the also semi-adequate Complaint, are instead further damaged or untreated (left damaged) by the Final Judgement. In the Complaint Section I subsection 5 it is stated the “Microsoft’s conduct includes agreements tying other Microsoft software products to Microsoft’s Windows operating system; . . .” The effects of these tie-ins are well known but not part of the allegations of the Complaint. A Microsoft application with hidden interfaces (tie-ins) to the operating system has a chilling effect on the development of competitive products and prevents those few who may discover this interface from remaining competitive because of course, the hidden interface may be changed upon upgrade of Microsoft’s application or operating system, and the former interface removed, thus “breaking” the competitors application and causing consumers to spend more money unnecessarily. This situation also allows Microsoft to occasionally appear to be competing on the merits of their offering when such is not the case. Promoting middleware as is done in the Complaint, the Final Judgement, and the Competitive Impact Statement, does nothing to alleviate this problem. As stated in the Complaint and noted above, “No other product duplicates or fully substitutes for the operating system.” Indeed, middleware is just another application, however useful. Denying ISVs and consumers the benefits afforded them by a legitimately marketed bona-fide operating system as opposed to an “Operating System Product” can not be in the public interest, and is not responsive to the Complaint, including prior court judgements.

When the “Nimda” computer virus appeared last year, I was amazed at how it performed its activities. I was more astonished when it occurred to me that I was reading about functionality only a person familiar with Microsoft applications programming would understand. What astonished me was the fact that this and many other common viruses could not occur if Microsoft applications were not tied in to the operating system. Operating system vulnerabilities are policed, as it were, by the

entire computing community. Application vulnerabilities are not so well noted, because applications other than middleware do not generally offer much exposure to the programming consumer, and competition keeps them distributed, not concentrated through the entire PC universe. This is not the case with Microsoft applications. Commonly used Microsoft applications are part of the “programmers toolkit” for Windows developers. If they were not, the anticompetitive position they occupy would be more blatant as only Microsoft could interoperate with them, using the exposed underlying functionality. On the other hand, having these products so fully integrated into the operating system and each other while exposed and enjoying the proliferation obtained from Microsoft’s illegal use of its monopoly operating system, facilitates more and more clever exploits by hackers. The most common viruses affecting consumers have used the victims own Microsoft applications. It is not so easy to wreak havoc in other operating system environments where there are no externally programmable, ubiquitous applications which applications are fully integrated into the operating system via hidden APIs or interfaces. Strangely enough, in the Linux community, where essentially nothing is hidden, applications of this power could exist and remain secure because the open source community polices its environment jointly and severally. Interesting. . . someone can break Microsoft products but only Microsoft can fix them. Who pays? Thus we have another nasty by-product of the tie-in problem. It would be eliminated or greatly reduced with a return to application development competition based on an operating system exposed on a non-discriminatory basis.

It would thus be disastrous for ISVs and consumers alike if Microsoft had authority to regulate security issues for operating system and applications alike. That power is also effectively granted by the Final Judgement where security APIs and documentation are to regulated directly or indirectly by Microsoft, the antithesis of security in consumer and commercial computing.

That the Final Judgement creates a new class called Microsoft Operating System Product, is reprehensible, clearly evading the issues addressed by the complaint. That ISVs who know how to use computing facilities as well as and better than Microsoft should be relegated to the use of middleware for protection from abuse and for development is not contemplated by the Complaint or Court findings; is unjustly discriminatory, and not in the public interest; denying the public the expected benefits of many new applications which may or may not use, or be middleware; yet must have the access to the same APIs and documentation as any other entity in the computing arena. Indeed, many of the best among us study hardware documentation for software development, and vice versa. Shall the United States Justice Department and Microsoft alter this historic landscape of a market in the interest of anyone other than Microsoft?

The Competitive Impact Statement seeks to limit the competition that competes against Microsoft and others in selected markets, by

requiring that ISVs must be of a certain size in the market and have had that position over a particular period of time in order to obtain API disclosure relief under Section III.D of the Final Judgement; further enabling Microsoft to evade Complaint allegations and even Sherman Act violations it has been found guilty of. This is the case because again, some small mind has not yet learned that computing facilities are continually reused by bright agile minds. Interfaces used for middleware in one mind are perfect and necessary for another application in the mind of another party. This reuseability is the inherent nature of computer software and even the smallest computer hardware components. The various underlying markets must not be constrained by this taking on behalf of Microsoft. The limited vision of Bill Gates' nightmares and appetites are not the proper perspective to use to correct the abuses of Microsoft's monopoly operating system.

The Competitive Impact Statements states in defining a Non-Microsoft Middleware Product, that such a product must have "at least one million copies distributed in the U.S. within the previous year" (my emphasis). It further states that this requirement "is intended to avoid Microsoft's affirmative obligations—including the API disclosure required by Section III.D . . . being triggered by minor or even nonexistent products that have not established a competitive potential in the market and that might even be unknown to Microsoft development personnel." (my emphasis) This is preposterous! This constitutes unjust and unlawful restraint of trade and unjust discrimination. The Final Judgement does not restrict ISVs to a size or type insofar as their right to obtain the benefit of relief under Section III.D is concerned. If such were the case, the U.S. and Microsoft have decided who has the right to compete where in the computing market which as stated above, consists of many integrated and simultaneously distinct and competing markets. This carving of the competing development community, to the benefit of Microsoft, is ironically, the exact opposite of what should be carved. Neither the U.S. nor Microsoft has the right to determine what merely new, useful, and innovative products may be created using any functionality of a legitimate operating system. Is this why the evasion technique deployed is to call an operating system an operating system product instead of an operating system?

How dare this decree suggest that Microsoft development personnel should be aware of what all or any others are doing in development. Microsoft development personnel can not provide consumers a finished product after any number of beta tests, nor can they secure the products they make. The Revised Proposed Final Judgement and related Competitive Impact Statement are a stench in the nostrils of intelligent, informed consumers. Unless a settlement can resolve the issues raised herein, Microsoft should be broken into a least two separate pieces: operating systems and applications.

Respectively Submitted,
Leon H. Carrington,

STB Practitioner
(301) 862-1604

MTC-00033854

December 5, 2001
Attorney General John Ashcroft
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I am writing in regards to the recent Microsoft antitrust settlement, and the attempts to hold long hearings of within the Judiciary Committee. Due to legislative time constraints and the current recession, absolutely no more action should be taken at the federal level. I personally don't think that this case should have ever reared its ugly head in the first place. This lawsuit has been perpetuated for the last three years; it is a waste of the government's time and money that could be used on more critical priorities in these disheartening times.

Microsoft's products were—and are—both practical and satisfying to their customers. The only complaints toward Microsoft were coming from their competitors. Now, as much as I do not believe that this case should NOT have happened, the settlement continues represents a mutually fair and reasonable outcome. In fact, a court-appointed mediator and small armies of lawyers negotiated the agreement, yet again emphasizing the point about wasted government time and money.

I implore you not to pursue any more litigation, or, for that matter, any further action at all. Please lay this case to rest. Thank you. Sincerely,

Barbara Champaigne
1072 Oak Street
Nenah, WI 54956

P.S. I think this country is getting "sue" crazy!

MTC-00033855

38943 Swordfish Common
Fremont, CA 94536
October 15, 2001
U.S. Attorney General John Ashcroft
DOJ Antitrust Chief Charles A. James
The Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20240

Dear Messrs. Ashcroft and James:

Please see attached San Francisco Chronicle article written by Mr. Paul Bechner pertaining to the Microsoft's anti-trust case initiated by the previous Department of Justice under Clinton Administration. As one of millions of consumers in the world, I feel same way as Mr. Paul Bechner does about the Microsoft anti-trust case.

Mr. Bechner's article indicates how unfair and unjust the previous Department of Justice was, along with 19 states' Attorney Generals. A few rival companies are lobbying state attorneys and legislators to encourage more legal and regulatory action against Microsoft. Microsoft is not a tobacco company. It does not harm the consumers. On the contrary, the company has consistently delivered new and innovative products at better prices to consumers and businesses.

Thank you for taking the time to read Mr. Paul Bechner's article.

Sincerely,
Francis Cheng

MTC-00033856

Thomas Holmes, 3005 Montgomery Road,
Shaker Heights, OH 44412 USA
tel. +1 216 283 2010, fax +1 216 283 2009,
email tholmes@msn.com

December 6, 2001

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

I was extremely pleased to hear that the Department of Justice has decided to settle its antitrust dispute against the Microsoft Corporation, which is why I have taken then opportunity to writ to you during this comment period to express my opinion on this issue. Millions of dollars and countless hours have been wasted on both sides of this dispute. Microsoft has completely changed for the better the way most companies manage their business on a day to day basis. Why did our Government set out to kill the goose that lays the golden eggs? This settlement will be good for the American economy.

I am pleased that we may be able to finally put this lawsuit behind us. I am pleased that you have had the foresight to settle this case on the federal level. We do not need congressional action on this matter. Hopefully the states that are still considering litigation will see the wisdom in settling.

Sincerely,
Thomas Holmes

MTC-00033857

Joyce R. Kerze
4899 Golf Village Drive
Powell, Ohio 43065

December 5, 2001

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As an avid user of Microsoft products, I would like to express my opinion that legal action against Microsoft should stop. I believe that the current settlement still suffices; it allows computer manufacturers new rights to configure systems with access to Windows features. I have been following the economic recession, and feel that further action against Microsoft will only foster the current negative state of the economy. I urge you to fully close the case against Microsoft

Sincerely,
Joyce R. Kerze

MTC-00033858

David Lukens, M.D.
3320 3320 Prairie Hills Drive
Hutchinson, KS 67502
December 5, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Ashcroft:

The agreement that was reached between Microsoft and the Justice Department in antitrust dispute was carefully negotiated to address concerns on both sides of the issue.

Microsoft will have to make a number of concessions and changes in the way that it licenses and markets its products, but will be allowed to continue to use the integrated technology that has allowed it lead the industry.

During this period of public comment, I wanted to register my view that it would be in everyone's best interest for the Department of Justice to approve the settlement. America's computer industry is the world's best, and was a major player in the 90's economic boom. Microsoft gets a lot of credit for this. It is bad policy to keep it hobbled with litigation.

Thank you for accepting my comments on this issue.

Sincerely,
David Lukens

MTC-00033859

December 5, 2001
Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Ashcroft:

As a concerned citizen of this great country, I write you to express my interest in the recent Microsoft settlement. As I have been a supporter of the settlement in the past, I am urging you to support the decision to take no further action in this matter. As I see the news daily, I am concerned about the current recession and am hoping for a swift recovery. As technological advancement is delayed, so is our economic growth. This recession has also had a devastating effect on state budgets, and it does not make sense to spend resources on delaying a settlement that has already been achieved. This settlement is fair and beneficial to all parties. It can only help our economy flourish and our country to prosper.

Sincerely,
Fahed Raad
14250 Applewood Court
Elm Grove, WI 53122

MTC-00033860

Thomas A. Tisch
15040 Encina Ct., Saratoga, CA 95070
Email: ttisch@mindspring.com
November 4, 2001

Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Dear Attorney General Ashcroft:

I am appalled that you would let your department settle with Microsoft on the proposed basis. I have spent 20 years in the venture capital and computer industry during which time I have personally observed Microsoft steal secrets, be duplicitous in its dealings, and through its dominance of the operating system force acceptance of other Microsoft products. At least two companies of which I have been an investor and a director have directly been harmed by Microsoft monopoly practices. One (Stac) won a \$100 Million judgment against Microsoft for stealing patented information. The judgment was no more than a slap on the wrist of the economic juggernaut. The other saw its premier

product line integrated into Microsoft products and effectively given away until the company was reduced to ashes. As a personal user, I have wasted hours, even days, of my time dealing with dysfunctional Microsoft products, products that in a more competitive environment would have been driven from the marketplace or forced to upgrade in quality.

What other company can delay, or miss a promised introduction date for a new product by 6 or more months and not suffer competitive penalties? None other but Microsoft. Not General Motors, not General Electric, not United Airlines, not IBM, not ATT. The time is here when the Federal Government, for which you have some responsibility, can be severely crippled by Microsoft business decisions and for which the Federal Government—along with the rest of us—can find no relief in competitive products or services.

The proposed remedies for the Microsoft antitrust case are a sham and sellout on behalf of the American people and hundreds of thousands of workers in the computer industry. It is not something to be pushed under the Sept. 11th rug. In fact core ethical values are at stake in this matter, as they are in the issues of Sept. 11th. Perhaps it's too late for you exercise some leadership in this matter (as others before you have done). Perhaps not. It's up to you.

Sincerely,
Thomas A. Tisch

MTC-00033861

2417 Hillview Drive
Manhattan, Kansas 66502
December 7, 2001
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

I am writing you today, to express my support for the settlement reached between the Department of Justice and Microsoft. I feel this settlement is fair, and that no further legal actions should be taken against Microsoft by the Federal Government. It is in the best interest of our economy to let this issue rest and for the Federal Government to move onto other endeavors. Under the agreement, Microsoft pledged not only to devote resources to comply with the terms of the proposed agreement, but to become a more responsible industry leader. Through a court appointed mediator several issues were resolved after intense negotiations. Microsoft agreed to communicate even more with other companies; share information about their software design and competitors will retain the right to sue Microsoft if they believe Microsoft is not complying with the agreement.

Now is the time to allow the settlement to take effect and allow Microsoft to return its focus on innovation, not litigation.

Sincerely,
Theresa Underwood

MTC-00033862

PO Box 135
Monterey, MA 01245
6 December 2001

Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Ashcroft:

This two-month period the people of the United States now have to express our concern about further litigation against Microsoft is a wonderful use of free speech. I would like to take this opportunity to express my personal opinion about the government's role in Microsoft's freedom to innovate. The United States Department of Justice and Microsoft reached an agreement at the beginning of this past November; that is where the litigation should end. The settlement was just and right: it allowed Microsoft to continue doing business, while allowing competitors to sue Microsoft if they do not think the company is complying with the agreement.

No more litigation should be enacted at the federal level. With a reasonable settlement already in place, further government action would only waste more time and money. In this time of economic recession, these resources could be used in a much more productive manner. In these trying times, we need to support our homeland companies and allow them to continue providing high-quality products to the marketplace both here and abroad. Lastly, Microsoft is one of our top IT businesses and represents the determination and hard work we as Americans value.

In a battle that the government has already been fought and won, I believe it would be in our best interest not to continue suing Microsoft. Let us get our economy back on track and start supporting products and companies that are made in the USA. Thank you for your time.

Sincerely,
J.T. Buchar

MTC-00033863

John Millet
1818 27th St, Sacramento, CA 958 14
January 2, 2002
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Ms. Hesse:

The economy is in recession. Our country is at war with terrorism. Yet, we are still dealing with this anti-trust case against Microsoft. Let's get our priorities in order.

I am glad to see that the government has found a way to settle this case and allow Microsoft to get back to work doing what it does best. Microsoft's influence on our economy is great and putting this case behind it will allow them to be the national leader they are and stimulate this economy with new and innovative products at affordable prices for consumers.

Settlement of this case is best for our country, the world economy, the tech industry and individual consumers. I hope that this case is wrapped up soon.

Thanks.
John Millet

MTC-00033864

elanie Teague
1102 22nd St. Unit 606
Hickory, NC 28601
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

The proposed settlement in the U.S. v. Microsoft case is clearly a compromise because it does not completely satisfy Microsoft or its competitors. I support the settlement because it attempts to reach a middle ground for both sides and will ultimately benefit consumers, the technology industry and the economy. End users will be guaranteed flexibility because new Microsoft operating systems will have a mechanism that allows them to remove or re-enable middleware products such as the internet browser, email utilities and messaging tools. Computer manufacturers will have flexibility because Microsoft will not be allowed to penalize them for distributing software that competes with Microsoft.

The settlement also allows a technical committee to respond quickly to complaints about Microsoft compliance. Microsoft competitors have other benefits as a result of this settlement. It is time to reach an agreement and allow the technology industry to get back to developing new products and encouraging innovation that will stimulate the economy.

MTC-00033865

ANDERSON COLUMBIA CO., INC.
P.O. Drawer 38 o OldTown, FL 32660
(352)542-7942—Fax# (352)542-3417
January 12, 2002
Attorney General John Ashcroft
US Department of Justice, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

It has come to my attention that both the Justice Department, and Microsoft have reached a settlement in the three-year antitrust case. I am happy to hear about the settlement, and I support it 100%.

This settlement will allow computer makers the means to remove access to

various features of Windows, such as Microsoft's Internet Explorer web browser, windows Media Player, and Windows Messenger. Also, Microsoft has agreed not to retaliate against computer makers who ship software that competes with anything in its Windows operating system.

In fact, Microsoft has even agreed not to retaliate against software developers who develop or promote software that competes with Windows. I would like to see this case settled as quickly as possible, since further delay would end up hurting the American economy. Do not prosecute Microsoft any further!

Thank you.
Anderson, Jr

MTC-00033866

From: Gary Pearce
9197878031
Dec. 26, 2001 01:00PM P1
Renata Hesse
Trial Attorney
Antitrust Division
Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530

Dear Attorney Hesse:

I encourage approval of the proposed settlement in the U.S. v. Microsoft so that technology companies can focus on innovation and competition rather than litigation. As a consumer and an educator, I find that the Microsoft products are easy to use and allow integration of several software programs for consumers who do not have a lot of experience with computer programs. This settlement will allow continued ease for the consumer while at the same time providing some safeguards that Microsoft's competitors wanted to guarantee them and consumers greater flexibility in the use of other operating systems.

The settlement will allow access to technical specifications, provide a mechanism for removing products such as the Internet browser, and sets up a Technical Committee to respond to complaints about Microsoft's compliance with the settlement provisions. The settlement offers benefits to the technology industry and consumers and provides a reasonable compromise.

Sincerely,
Shannon Aycocock

MTC-00033867

FROM: AUDE ACCTG SVCS I NC
ROBERT M & LE T. RUDE
21301 8th Place W
Lynnwood, WA 98036
January 25, 2002
Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20330-0001

Dear Mr. Ashcroft:

We have taken this opportunity to write in and express our opinion of the antitrust suit against the Microsoft Corporation. We feel that this suit has been bogged down in the judicial system for long enough and it is time for the government to allow Microsoft to get back to work. It needs to continue setting the standard in the worldwide technology industry.

It is our opinion that this suit has pulled the American economy down, especially in the vital IT sector. The bottom line is, Microsoft is one of this nation's largest employers, and the perpetuation of this case during these times of economic uncertainty is imprudent. Microsoft is and always has been a great company. They have given millions of dollars to charity and have changed the way we view computers forever. Microsoft made technology accessible to Americans in a form that was usable. Without this company, there would have been no "P.C. revolution." We believe that the terms of this settlement will ensure that there are no further violations of antitrust committed by the company, especially with the establishment of a technical committee which will monitor Microsoft and prevent them from any future violations.

We arc please that an end to this litigation is in sight. Please continue to support the settlement and the future of free enterprise in this nation.

Sincerely,
Robert Rude Le Rude

Dorothy Fountain,

Deputy Director of Operations.

[FR Doc. 02-5355 Filed 5-3-02; 8:45 am]

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