

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, )  
Plaintiff )  
 )  
v. ) Civil Action No. 94-1564  
 ) (Stanley Sporkin)  
MICROSOFT CORPORATION, )  
Defendant )  
\_\_\_\_\_ )

ORDER RE MOTION TO APPROVE THE CONSENT DECREE

The issue before this Court is whether the entry of the proposed antitrust consent decree between Microsoft Corporation and the United States is in "the public interest."<sup>1</sup> The Court cannot find the proposed consent decree to be in the public interest for four reasons. First, the Government has declined to provide the Court with the information it needs to make its proper public interest determination. Second, the scope of the decree is too narrow. Third, the parties have been unable and unwilling adequately to address certain anticompetitive practices which Microsoft states it will continue to employ in the future and with respect to which the decree is silent. Thus, the decree does not constitute an effective antitrust remedy. Fourth, the Court is not satisfied that the enforcement and compliance mechanisms in the decree are satisfactory. Based on the above reasons, the Court hereby ORDERS that the motion to approve the consent decree be DENIED.

A status call on this matter will be held on March 16, 1995 at 10:00 a.m. in Courtroom 6.

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<sup>1</sup> 15 U.S.C. § 16(e) (Supp. 1994) (Tunney Act).

DATE: February 14, 1995

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Stanley Sporkin  
United States District Judge

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ORDER RE MOTIONS TO PARTICIPATE AND MOTION TO STRIKE

There are three motions by interested persons to participate in the Tunney Act proceedings before the Court: 1) I.D.E. Corporation's ("IDEA") motion for intervention; 2) anonymous persons' motion to file an amicus curiae memorandum in opposition to proposed final judgment; and 3) Computer & Communications Industry Association's ("CCIA") motion to intervene, or in the alternative, motion to participate as amicus curiae.

With respect to these motions to participate, the Court hereby ORDERS as follows:

- 1) The motions to intervene by IDEA and CCIA are DENIED. In the alternative, the Court authorizes IDEA and CCIA to participate in the proceedings under the Court's authority pursuant to § 16(f)(3) to allow "participation in any other manner and extent which serves the public interest as a the court may deem appropriate."
- 2) The motion to file the memorandum of amici curiae in opposition to the proposed final judgment is GRANTED pursuant to the Court's authority under § 16(f)(3).

Also before the Court is Microsoft's motion to strike the "Supplemental Submission in Support of Memorandum of Amici Curiae in Opposition to the Proposed Final Judgment" ("Supplemental Submission") filed by the law firm of Wilson, Sonsini, Goodrich & Rosati on behalf of anonymous persons. The Court hereby ORDERS that Microsoft's motion to strike is GRANTED as it relates to a contested redacted document. The Court DENIES the motion to strike in so far as the Supplemental Submission provides legal argument based on the record properly before the Court.

DATE: February 14, 1995

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Stanley Sporkin  
United States District Judge