From: Gil Friend
To: Microsoft ATR
Date: 1/28/02 9:27pm
Subject: Microsoft Settlement

Renata B. Hesse
Antitrust Division
United States Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Dear Ms. Hesse,

I am writing to comment on the proposed Microsoft/DOJ anti-trust settlement. As a business executive at a company both highly dependent on computing technology and specifically involved in software development, I've come to the conclusion that this settlement is not in the public interest, and fails to remedies the problems that provoked the action in the first place.

The settlement leaves the Microsoft monopoly intact, with numerous opportunities to the company to effectively exempt itself from crucial provisions. The recently proposed "donation" to schools is just one example of how Microsoft can turn matters to their own advantage (in this case by decimating Apple's position in the education market).

In addition, the proposed settlement fails to address the critical "applications barrier to entry" associated with the installed base of 70,000 Windows applications, enabling Microsoft to maintain an effective "lock" on the operating systems market by denying competitors with other operating systems the information needed to run these other applications on other operating systems. Any settlement must make it easier -- not harder -- for competitors to run the Windows applications.

Consumers, not Microsoft, should decide what products are on their computers. The settlement must eliminate Microsoft's various barriers -- business and technical -- to allowing combinations of non-Microsoft operating systems, applications, and software components to run properly with Microsoft products.
The remedies proposed by the Plaintiff Litigating States are in the public interest and absolutely necessary, but they are not sufficient without these remedies.

The Tunney Act provides for the Court to hold public proceedings, with citizens and consumer groups afforded an equal opportunity to participate, along with Microsoft's competitors and customers. I hope

you will encourage those proceedings, and consider carefully how to proceed in this matter. Your decisions have great significance for the health of the US economy's most vital industries, by eliminating Microsoft's ability to illegal constrain markets and innovation.

Thank you for the opportunity to comment on this important matter.

Sincerely yours,

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