FOR YOUR EYES ONLY

INTRODUCTION

Microsoft Corporation is the source of much folklore and fear. Founded in 1975 by Harvard drop-out William Gates III, Microsoft now has an estimated 90% market share in the personal computer operating systems market, and is the world's largest developer of computer software. This dominance has made Microsoft the object of Department of Justice investigations as to possible anticompetitive practices. There is strong evidence of continued anticompetitive practice as Microsoft attempts to crush competitors in the Internet software market by forcing computer resellers to load their World Wide Web (WWW) browser, Internet Explorer, and other related products exclusively or face sharply higher license fees. Worse, Microsoft has created a software programming language, "ActiveX", that allows anyone to directly access a user's PC while connected to the WWW, without the user's knowledge or consent.

The first article in a series of three articles on the subject of the ongoing Department of Justice investigation of Microsoft. This first article will review the history of the investigation beginning in 1998 and leading up to the Spring of 1998. The second installment will discuss the current investigation which Microsoft continued on September 20 of this year, and which is probably the result of letters from Netscape, O'Reilly and Associates and several others, including a "Down to the Wire" editorial explaining about Microsoft's "anti-competitive tactics." The final article will explain in layman's terms some of the nefarious software tools such as ActiveX which Microsoft has developed. It will also explore the issue of conspiracies referred to in this article's title. Nicholas Petreley reflects the sentiment of many in the Internet software industry when he stated, "Down to the Wire," he writes: "In the Bible, in John 8:44, it says of the devil: 'When he lies, he speaks his own native language.' I'm not one of those who think Bill Gates is the devil. I simply suspect that if Microsoft ever met the devil, it wouldn't need an interpreter." (InfoWorld, 9/16/98, p. 1A. It comes to judging Microsoft products, the devil is in the details.)

THE FTC INVESTIGATION

The Federal Trade Commission began investigating Microsoft in 1990 for its marketing practices and incentives offered to Original Equipment Manufacturers (OEMs) and resellers. OEMs are in the business of building computer systems and reselling them to other computer resellers ("PC dealers") who then put their own brand name on them and sell them to retail stores. OEMs frequently provide software on the systems they sell, so that resellers can then sell complete system packages directly to the consumer. According to Microsoft, the FTC's 1990 investigation focused on a wide range of practices including: (1) that Microsoft gave its developers of applications software information about its operating systems software before providing it to other applications developers; (2) that Microsoft was engaging in "vaporware," by announcing that it was developing a non-existent version of operating system or application software to dissuade OEMs from leasing a competitor's operating system; and (3) that Microsoft required OEMs that licensed its operating system software also to license Microsoft applications. Also alleged were ties between application and operating system developers. This means that Microsoft was giving OEMs special discounts on their Windows operating system if they would agree to load other Microsoft products such as MS-Word or MS-Excel on their systems and not load their competitor's applications such as WordPerfect or Lotus 1-2-3.

DOJ TAKES OVER

When faced with the decision whether to file a claim against Microsoft, the FTC deadlocked 2-2, thus suspending the agency's investigation. The

See Conspiracies on p.4

California Freedom Summer is a project of the National Lawyers Guild, aimed to defend civil rights in California. Through this program, students come from all over the country to work in one of three areas of focus: immigration, prisoners' rights or affirmative action. As a PILF grant recipient, I volunteered my time to do fundraising and affirmative action at the No on 209 Campaign in San Francisco.

In 1998, the so-called California "Civil Rights Initiative," is a deceptive and divisive attack on affirmative action programs. The campaign argued that these programs would eliminate discrimination, but actually would ban affirmative action programs, designed to remedy race and gender discrimination in public employment, education and contracting. The No on 209 Campaign consists of over 200 sponsoring organizations and numerous committees, having affirmative action and all attempts to limit opportunities for people of color and women. The campaign sought to achieve its primary goal of urging Californians to see beyond the rhetoric and to consider the real dangers of Prop. 209.

In efforts to educate people on affirmative action and alert them to the pending attacks on these programs, my position with the "A Lawyers Guild, aimed to defend civil rights in educational materials committee for California Campaign Coordinator, I sought out Asian American and other leaders who supported affirmative action and translators in various Asian languages. I also contributed to a more comprehensive booklet entitled, "We Won't Go Back: Asian Americans and Affirmative Action," which detailed myth-breaking facts about affirmative action and Asian
First Annual Loyola Law School
Public Interest Concert
By Pezhman Ardalan

Background:
I am a first year evening student and the evening SBA Social Chair. I am responsible for all student social activities on or off campus. Recently, I have unified the day and evening SBA social activities, so that any off campus activities for day students are now combined with the evening students events. This is to promote unity and communication between the evening and day students. I used to promote concerts and dance clubs about six years ago and have extensive experience in organizing activities as the one I am proposing. I ceased promoting when I began work as a paralegal and started college. However, during the last few months I have utilized my promoting skills in my duties as social chair by organizing 4 mixers at local dance clubs and lounges without using any SBA funds. I negotiated waiver of cover charges and got drink specials for the students. Our Halloween Party brought in over 400 Loyola students. The mixers have been extremely successful in promoting networking between different students. This proposal has been well researched and thought out.

Goal:
This event is designed to accomplish the following goals:
- Raise funds to donate to public interest groups with which our school is affiliated with. (e.g.: Public Counsel, Operation Role Model, etc.)
- Promote goodwill and positive image for Loyola Law School and place the school as a leader in community involvement in the public eye.
- Provide Internet access for Loyola Law students.
- There are also several messages we would like to deliver to the public:
  - Loyola is the leading law school in Los Angeles for community involvement and public interest.
  - The concert will attempt to represent many of the ethnic and racial communities of Los Angeles. This will provide the message of unity between a multi-cultural community and exemplify the diversity of our school.
  - Bonding through music. Music has been one of the oldest, most traditional means of celebration and bonding.
  - No dream is beyond your reach. Furthermore, I am sure we can get T.V. publicity through news clips and specials since our school is well connected with the media.

Costs:
The amazing part of this proposal is that it should not cost Loyola a thing. I am looking for sponsors and have found some already. All the artists and radio stations have agreed to play for free, with the exception of Sheryl Crow and For Real. However, Sheryl Crow charges about $30,000 for a full concert. We only need her to play for about 45 minutes, which is like a half concert. Being for public interest, if she refuses to play for free, I will attempt to negotiate her to accept between $10,000 to $15,000 contingent upon ticket sales. Since we will be selling advance tickets, we could agree as soon as we reach the agreed amount, we will pay her charge. I do not anticipate any other costs that I could not get sponsored.

There is also the issue of security at the concert. I am unsure whether the campus security would be ample. Should the cost of security become an issue, I may be able to get a sponsor to cover the cost.

Disbursement:
We can reserve 500 tickets to be given away over the air by radio stations and for V.I.P. guests. Another 5,500 tickets will be sold at $30 a piece. This will bring in about $165,000. Even if $30,000 of that was deducted in costs, there would still be a net of $135,000. Of that we can give up to 70% to the public interest groups and earmark 30% for student related funds. This year we would like to have that 30% given towards gaining home Internet access to the students. As you may be aware, we are one of the only schools that is lagging far behind in providing this service to students. The SBA has been rallying for this cause for some time and we understand that there are some funds set aside for this. We would like to provide an incentive to get the Internet by matching your budget with the estimated $45,000 to $45,000 we anticipate having earmarked from the concert. This service will not only allow more access for students to the school but promote many of the organizations on campus. It will give evening students who are not at school that day a chance to log on and to school organization through e-mail and web pages. We have voiced these needs to the people from Edutech who came on the campus and interviewed students and faculty in regards to this issue. They said they will be writing a report for the Dean outlining our concerns and needs.

Structure:
This is to be a three hour concert held at the main Loyola Marymount Campus. I imagine an outdoor concert in spring at the Sunken Gardens. It will hold over 6,000 people. From 6:00 to 9:00 we can have the outdoor concert. We will then move everyone into the gym for a dance party hosted by a popular radio station until about 1:00 a.m. The tickets should cost about $30 per person. They will be made available to the Loyola law students, undergraduates students and alumni before we open ticket sales to the general public.

Artists:
I have made great progress on this part of the planning. My goal is to have Sheryl Crow perform. She is active in public interest. I have contacted her booking agent and they asked me to fax a proposal. Also, I have found a second year law student who works for Sheryl Crow's attorney. The attorney speaks to Ms. Crow personally on a daily basis. This law student has agreed to put me in contact with the attorney and it looks optimistic. I have furthermore, through discussion of my idea, been approached by many students who work in the entertainment and music industry who have offered assistance in locating celebrities. Lynette Y. Green, Extremepurpose/Pro Bono Sr. Scey, Of Loyola, has put me in contact with a very popular African American group called For Real. I have also met with a fellow student that works for a record label. She told me that she will bring famous artists that will play for free. A popular group called The Lovin' Misery's have recently agreed to play for free if the concert goes through. Their lead singer was from a group called The Rave-ups who were in the movie "Pretty in Pink" and the drummer is from Concrete Blonde (very famous rock band). I have also met a student that works for the popular radio station 102.7 (KISS FM) who said that he can have them M.C. and D.J. the dance party and have it live on air. This will be invaluable publicity. I feel extremely confident that I can get the artists and the radio stations to participate in this event. The student support is extremely encouraging and goes back to the message that when we work together, no dream is beyond one's reach. Furthermore, I am sure we can get T.V. publicity through news clips and specials since our school is well connected with the media.

See Concert on page 6
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DON'T KILL THE MESSENGER...
by Darren M. Salvin, first year student

It has come to my attention that my article "My First Bar Review" published in the last edition of the Loyola Reporter was not, as a dose of comic relief as was intended, but as a prose supporting the humiliation and degradation of women. In fact, my article was likened to the mindset of a rapist who considers his female victims nothing but subservient objects of desire, somehow deserving of their fate. To be honest, I had no idea that my article, written with about the same amount of exacting attention that one gives to their professor during an 8:30 a.m. class, would stir so much offense. Clarification of both my personal beliefs and the intent of my ill-fated article is necessary.

To set the record straight, I do not subscribe to the belief that women are property, meat, or any other dehumanizing metaphor. I have always believed that the only difference between men and women are those obvious characteristics that can be seen by looking in a mirror. In fact, anyone who believes to the contrary ought to be branded a fool. I am sorry if my article persuaded you to reach another conclusion.

With regard to the article's content, the crux of controversy seems to center around the image I chose to use, namely men drooling over scantily-clad women as would a buzzard over fresh road-kill. While these words are highly suggestive and inflammatory, they are, however, completely warranted and I will not apologize for their use. Reality can be, and oftentimes is, very disturbing. No one is proud to announce that animalistic encounters like the one described exist between men and women, especially between the "learned and refined" men and women in law school. But reality tells a different story. Anyone who has frequented a bar can not honestly say that such behavior does not occur. So you have every right to be upset with the current state of affairs. It is not desirable nor defendable. However, please do not kill the messenger who brings such news.

Conspiracies (cont. from p. 1)

Antritrust Division of the DOJ then initiated its own investigation using the extensive investigatory file as its starting point. The Department issued 21 Civil Investigative Demands to Microsoft and third parties reviewed over one million pages of documents, and conducted over 100 interviews. The Department also deposed 22 persons, including Microsoft Chairman Bill Gates.

In July 1994, the Department filed a civil complaint under the Sherman Act charging a monopoly of operating systems for IBM-compatible PCs and unreasonably restraining trade of the same through anticompetitive marketing practices.

JUDGE SPORKIN OF THE U.S. DISTRICT COURT DENIES THE MOTION

The U.S. District Court for the District of Columbia denied the Government's motion to approve the consent decree on February 14, 1995, after holding a series of three hearings with the parties during the preceding six months. In the opinion, Justice Stanley Stevens denied the Government's request that the District Court deny the motion because it did not find the terms of the decree to be in the "public interest" as required by the Tunney Act (15 U.S.C. Sec. 16). Commenting on Microsoft's practice of marketing "vaporware" the opinion stated, "This Court cannot ignore the obvious. Here is the dominant firm in the software industry admitting it preannounced products to freeze the current software market and thereby defeat the marketing plans of competitors that have products ready for market. Microsoft admits that the preannouncement is solely for the purpose of having an adverse impact on a competitor's product. Its counsel states it has advised its client that the practice is perfectly legal and it may continue the practice. This practice of a monopolist would seem to contribute to the acquisition, maintenance, or exercise of market power.

The opinion also expressed Judge Sporkin's disapproval of the Government's inability to deal with Microsoft's monopolistic practices.

"Microsoft is a company that has a monopolist position in a field that is central to this country's well being, not only for the balance of this century, but also for the next century. It is important that we are mindful of the heroic efforts of the Antritrust Division to negotiate the decree. There is no doubt its task was formidable. Here is a company that is so feared by its competitors that they believe they will be retaliated against if they do not adapt to its identity even in an open proceeding before a U.S. District Court Judge.

The picture that emerges from these proceedings is that the U.S. Government is either incapable or unwilling to deal effectively with a potential threat to this nation's economic well being. How else can the four year deadlock in this massive case be explained? What is more, the Justice Department, although it labored hard in its follow up investigation, likewise was unable to come up with a meaningful result.

It is clear to this Court that if it signs the decree presented to it, the message will be that Microsoft is so powerful that neither the Government nor the Judiciary is capable of dealing with all of its monopolistic practices. The attitude of Microsoft confirms these observations. While the Government repeatedly that it engages in anticompetitive practices, it refuses to give the Court in any respect the same information.

The District Court explicitly rejected the proposed consent decree for the following four reasons: (1) the Government has failed to provide the Court with information it needs to make its public interest determination; (2) the scope of the decree was too narrow; (3) the decree does not address certain anticompetitive practices which Microsoft would continue to employ, and (4) the enforcement and compliance mechanisms in the decree are not satisfactory.

COURT OF APPEALS REMANDS FOR REASSESSMENTS

Another hearing was scheduled for March 16, 1995. However, in an unusual move, the DOJ and Microsoft appealed the matter to the Court of Appeals, District of Columbia Circuit, which, on February 23, 1995, agreed to hear the appeal.

In its March 14 Order canceling the March 16 hearing, the District Court correctly denied the Government's request to several supposedly inaccurate and disparaging public remarks made by the Attorney General's Office regarding the Government's decision, for example, the Order states that, "The Attorney General has characterized this Court's refusal to approve the decree as an improper intervention on the government's prosecutorial discretion. . . Approval of the decree is in every respect an appropriate judicial function."

Chief Judge Edwards and Circuit Judges Silberman and Buckley of the Court of Appeals heard oral arguments on April 24. On June 16 Judge Silberman filed the court's opinion which remanded the case to the chief judge of the District of Columbia Circuit, with instructions that it be assigned to another district court judge. The Court of Appeals found that (1) the District Court exceeded its authority under the Tunney Act by denying decree based on allegations beyond those in complaint; (2) remedies were inadequate; (3) denial could not be justified for any ambiguity or for inadequate compliance mechanisms, and, in a Per Curiam opinion, directed that the action be reassigned on remand.

The Appeals Court's finding that Judge Sporkin's decision was based on an actual bias against Microsoft and "would have difficulty putting his (cont. on page 5)
Conspiracies (cont. on p. 4)

previous views and findings aside was not arrived at lightly. Its review of the transcript made it "painfully obvious" the Judge's wide-ranging inquiries and his accusers' language that he accepted the existence of accusations made against Microsoft in "Hard Drive," a book which is critical of many of its practices. Judge Sporkin did not address the issues in the consent decree that had not been raised by the government, simply because he had read about them in "Hard Drive." The Appeals Court remarked that "The book's allegations are, of course, not evidence on which a judge is entitled to rely."

Other bias allegations included the Judge's belief the decree did add to fundamentally alter the Microsoft culture, perhaps even reduce its competitive zeal. This Court found that "those outside the company's concerns about actual compliance with the decree." Lastly, the District Court allowed several companies to participate in the antitrust enforcement authorities to this lawsuit. The Court of Appeals stated, "We are not aware of any case in which a plaintiff was allowed to someone on the outside remain anonymous to that defendant. Such proceedings would, as Microsoft argues, seriously implicate due process. Judge Sporkin believed he was protecting the anonymous software company from Microsoft's retribution.

DOJ ANNOUNCES ONGOING INVESTIGATION

In spite of the Appeals Court's June 16 Order to demand and possession, DOJ continued its investigation. Microsoft sought DOJ's requests for information during the summer of 1995, saying they wanted to review the company's progress in getting Windows 95 and the MSN finalized and to market in August as planned. According to Microsoft's 1996 annual report, frequent demands for information were "neither fair nor appropriate" as they were too big to meet in the allotted time.

On August 8, 1995 DOJ issued a statement which read, "The United States Department of Justice has decided today to continue its investigation into the Microsoft Network and other issues associated with possible anticompetitive practices relating to Windows 95 is ongoing. The Department does not expect to complete its investigation or reach a decision on any enforcement action prior to August 24, 1995."

The DOJ took no action to stop the release of Windows 95.

FINAL JUDGEMENT

Finally, on August 21, 1995 Judge Jackson of the District Court of the District of Columbia ordered a final judgment granting the Government's motion to approve the consent decree. The final judgment, and Microsoft's duty to abide by the terms of the decree, will expire on the seventieth month after its entry.

MICROSOFT ALSO ENTERS INTO DECREES WITH EUROPEAN UNION

The Sherman Act reaches foreign restraints of trade having a "direct, substantial and reasonable" effect on U.S. export trade. Since 1992 it has been the policy of the Antitrust Division to challenge restraints that restrict U.S. export opportunities regardless of whether these restraints also harm U.S. consumers directly. In 1994 Congress enacted the International Antitrust Enforcement Assistance Act which authorizes the Antitrust Division and FTC to negotiate with other antitrust authorities to permit the exchange of information relevant to civil and criminal investigations. Assistant Attorney General Anne K. Bingaman specifically emphasized two characteristics of the present day economy "of particular concern to antitrust enforcement - continuing globalization and the pervasive importance of intellectual property." In developing this policy, Bingaman stressed the importance of antitrust enforcement directives to promote "efficiency" in which competitors spur each other to further innovation. She has also stressed the importance of antitrust enforcement cooperation with European antitrust enforcement authorities in negotiating the Consent Decree with Microsoft. The DOJ's negotiations with the Directorate-General IV of the European Commission ("DG IV"), the European Union's antitrust authority and Microsoft consented with the DG IV to comply with provisions virtually identical to those in the consent decree.

TERMS OF THE CONSENT DECREES - PROHIBITION OF ILLEGALLTY

The consent decree, Paragraph IV(E)(1) prohibits Microsoft from licensing Windows 95 under terms that are "expressly or impliedly conditioned upon the use as an integral part of the OEM's product of products loaded onto the PCs and keep customers, to acquire and install the same." This could be achieved through various technological means, which in effect, would implement the consent decree's ban. For example, Microsoft could prevent the bits on CD and floppy disks." One Wall Street analyst speculated in Barron's late August 1995 that it might cost Microsoft perhaps five cents a share in earnings over the next year if it had to modify the code in Windows 95 to make MSN connectivly more indirect.

DOJ'S OTHER INVESTIGATIONS OF MICROSOFT

1995 was a banner year for DOJ's investigations of Microsoft. In addition to the consent decree related activities, the DOJ also investigated Microsoft's planned merger with Intuit, Inc. Although Microsoft ultimately decided to forego its purchase of Intuit in the face of a DOJ lawsuit, DOJ continued its investigation into whether the acquisition would benefit MSN with Windows NT (another Microsoft operating system for businesses) and Microsoft Office.

THE WINDOWS 95 LAUNCH

At the Windows 95 launch ceremony in August 1995, Chairman Gates was upbeat. Microsoft would do if courts were to ultimately decide MSN could not be bundled with Windows 95. He said, "You've asked if we can repackage the bits on CD and floppy disks. Given enough time we could repackage the bits. The icon could still be put somewhere in Windows." This statement reflects his disdain for the DOJ's meddling into his affairs. Further it completely ignores the underlying issue that would be the basis for such a court ruling. In Gates' mind the courts have no right to tell him what software he can bundle together, but if forced he will comply with the letter of the ruling. The implication is that he would attempt to circumvent the "tying" matter, at least in the hypothetical unbundle ruling by packaging Windows95 and the "Unbundled" product in a manner, so as to avoid the perception of bundling while still making them readily available for consumers to acquire and install the same product. This could be achieved through various technological means, which in effect, would implement the consent decree. For example, Microsoft could prevent the bits on CD and floppy disks. One Wall Street analyst speculated in Barron's late August 1995 that it might cost Microsoft perhaps five cents a share in earnings over the next year if it had to modify the code in Windows 95 to make MSN connectivly more indirect.

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NEW COMPLAINTS

New issues were added to the agreement in September 1995. According to reports that users who upgrade from Windows 3.1 to Windows 95, and attempt to use Windows NT as a piece of on-line access software, the WINSOCK program would have been added to the fray in early 1994. The District Court allowed several companies to participate in the antitrust enforcement authorities to this lawsuit. The Court of Appeals stated, "We are not aware of any case in which a plaintiff was allowed to someone on the outside remain anonymous to that defendant. Such proceedings would, as Microsoft argues, seriously implicate due process. Judge Sporkin believed he was protecting the anonymous software company from Microsoft's retribution.

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OEMs REPORT POSSIBLE ONGOING VIOLATIONS OF CONSENT DECREES

Beginning in 1996 many OEMs privately reported to DOJ that Microsoft was still violating the consent decree. The DOJ did not receive any complaints from online providers that Microsoft was now bundling MSN with Windows NT (another Microsoft operating system for business), and Microsoft Office.

THE CONSENT DECREES

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This was the worst Star Trek movie ever made. From the beginning, I couldn't help but get the impression that Paramount wanted to make a cheap, low-budget film. The story was thin, and the acting was lacking. At least, going to see a Star Trek movie that would finally get out of the "higher meaning" concept and just have a good old blast against the Borg—forget it, wishful thinking. The battle scene lasts only a few minutes at the beginning of the film. The Borg's 2-in-1 ship presented little threat, which is a far cry from their invincibility we were shown six years ago in the Next Generation series. The last episode of the Next Generation still remains as the best battle sequence. The remaining fighting is lame, hand-to-hand "combat" with Borg drones, not exciting but cheap to do.

The bottom line, the special effects were lazy and unimaginative. Weekly episodes of the Next Generation had better effects, and more of them. Can you say claustrophobia? Jonathan Frakes (Cmdr. William Riker) fails as director. After a few minutes of film, I started yamming for scope, panoramic shots—none came. Not once do we get to see the short fight with the Borg ship far enough in the distance to give the entire battlespace. Instead, it's like watching the entire movie with binoculars. Even the scenes that take place aboard the Enterprise are shown in camera microframes of vision. I felt like I was trapped in a box peeping out of a tiny little pin-hole during the whole movie. The set on earth was cheap also. I guess there was a sale on cardboard somewhere.

Lt. Cmdr. La Forge no longer wears his eye visor. Hmmmm, during the Next Generation series, a whole episode was used to show what La Forge's desire to keep his visor as is. I guess he had a change of heart.

Counselor Troi had a minimal part. Thank God. She was ugly with her new hair style and gaunt face that against any stage makes her seem to be using cocaine to fill up her free time since the Next Generation series ended. It was no coincidence to me supporting the biggest scene portrayed her as a drunk.

Zefram Cochrane, the fearless pilot, acted out an overused scenario of drunken brilliant/crazy scientist—the professor in Back to the Future was better.

Be佛erly Crusher, the good doctor, had a minimal part, but she's actually learning how to act—slowly, but at least she looked good.

Lily Sloane, Cochrane's sidekick. I kept asking myself, what the hell is she doing in this movie? She was nothing but an annoyance to the picture. Picard should have just punched out Kirk would have. Instead, Sloane wanders around the Enterprise with a phaser pointed at Picard for what's happening to this hysterical woman! Sloane was terrible. The only good thing is that unless the Enterprise time travels again, we will never have to see Sloane again. Finally, if they wanted someone to play Whoopie's character, why not Woopie. Sloane was a cheap imitation.

Captain Picard...will never come close to being a captain as great as Kirk. Riker is proving himself to be better than Picard and should take over in the next movie. The only way Picard could be that leader is if he takes away Frakes' director's license.

Lastly, the script. If time travel is such a simple endeavor for the Borg, so easy in fact, that they can pinpoint their destination to the exact day they want 300 years in the future is unbelievable useless, purposeless, and mindless on Frakes' part. Simply a waste of film.

The crew of the Enterprise is changing. Picard looks old to be a formidable presence. It's time Cmdr. Riker took over the helm.

Lt. Cmdr. Worfs is getting too civilized. He had an opportunity to give Picard a healthy swat and didn't take it. Perhaps Worfs is either becoming too human of a Klingon, or he really is, as Picard stated, a coward.

Lt. Cmdr. Data is also becoming too human, but after all, that's the mission in life. But Data's makeup artist stunk, he made Data look like a grease monkey, but he came through in the end, as he usually does.

CONCLUSION:

Overall, this is a concert that will not only benefit our community, but in doing so it will also benefit our school and our students. That's virtually no cost to the school. All I ask for is the opportunity to make this vision into a reality. I need the school's approval on this matter and access to the main campus for the site of the concert. I also need a receipt of approval and access. I may begin booking artists and getting sponsors for the event. However, time is of the essence and the band may make other arrangements until I get a commitment from them early.

If you are skeptical about my ability to accomplish this feat, I ask you to give me a chance to prove myself. Give me approval of the concert and access to the main campus. If I am unable to book the artists, then there will be no concert. The school will have nothing to lose and everything to gain.

I hope that this will become a tradition and a legacy that will place Loyola as a leader within our community and at the same time help our students accomplish their goals. I look forward to hearing from you soon and will be more than happy to meet with you and answer any questions you may have in regards to this matter.
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Conspiracies (cont. from p 5)

American Bar Association's section on antitrust and a partner at Howrey and Simon in Washington.

Microsoft's position has always been that its bundling practices do not amount to illegal tying. Russ Siegelman, Microsoft's on-line services general manager, was quoted in Computer Reseller News in early August 1996 as saying, "Tying means you're going to buy one thing before you buy something else. We are not forcing OEMs to pay for Microsoft Network clients." I believe it was Don Vito Corleone's policy never to force anyone to cooperate either.

OEMs on the other hand, have a different opinion about Microsoft's alleged strong arm tactics. In Netscape's open letter to DOJ, an OEM is quoted as saying, "Microsoft gave me a deal I couldn't refuse. Free dialer, browser [Internet Explorer], developer's kit, free distributable, etc... I know Netscape is better, but $0 v. $18K is impossible to beat."

"Microsoft has gone so far as to offer us free Web servers and free support [but they required] an exclusivity clause that would have prevented us from recommending Netscape," said Gene Divello, vice president of information services at Intelligent Network Online Inc., in Clearwater, Florida. Intelligent Network Online does not recommend any particular company's Internet software to its customers.

An official at one major ISP said Microsoft tried in several ways to convince the company to distribute Internet Explorer 3.0 exclusively. A second ISP said Microsoft offered products and services, but with an exclusivity clause.

Not satisfied with domination of the U.S. market, Microsoft offered a European telecommunications provider free copies of MSN and Internet Explorer and $3.00 for every copy of Netscape they removed from their internal corporate PCs.

William Neukom, senior vice president of law and corporate affairs at Microsoft, vehemently denied that Microsoft offered any financial incentives to PC makers and denied all charges made by Netscape in their letter to the Justice Department. Offering no apologies in regards to dealings with ISPs Neukom simply said that there is nothing illegal about aggressive promotions.

Microsoft's near-monopoly over the operating systems market enables it to flood the market with free products, crushing competitors. An insight into Bill Gates' perspective on this matter is revealed in the following comment he made to Financial Times this June: "Our business model works even if all Internet software [Microsoft's and Netscape's] is free. We are still selling operating systems."

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A few examples of Microsoft's treacherous tactics include: (1) claiming that WebServer software can only run on the Windows NT "server" operating system because the Windows NT "workstation" operating system is not "powerful" enough and then having it disclosed by computer experts that the NT Server operating system is really identical to the NT workstation, and was really not more powerful at all. However, in spite of the fact they were identical, because it was supposed to be more powerful, Microsoft sold NT Server for $1,100 and NT Workstation for $400; (2) creating secret undocumented "hooks" in the Windows NT operating system so that Digital Equipment Corporation (DEC) and only two other vendors can use them to gain performance advantages over their competitors; (3) creating Internet software that can do anything from reformating a user's hard drive to copying all their e-mail or files back to the website, without the user's authorization or awareness and without any way to trace the cause back to its source.

CONCLUSION

The next article will explore Microsoft's escalating assault on the Internet software industry through so called "aggressive promotions" in apparent disregard for its own consent decree with the DOJ. The third and final article will place Microsoft's insidious Internet software products under a microscope and explore their dangerous capabilities. It will also consider a possible conspiracy scenario as the reason for these pernicious products.
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