



Thursday, August 30, 2007 - 12:00 AM

Permission to reprint or copy this article or photo, other than personal use, must be obtained from The Seattle Times. Call 206-464-3113 or e-mail resale@seattletimes.com with your request.

Justice Department declares victory in Microsoft antitrust case

By Benjamin J. Romano

Seattle Times Microsoft reporter

The Department of Justice issued a news release this morning saying, "competition and consumers have benefited from the final judgments entered because of the Department's antitrust enforcement efforts against Microsoft."

The Justice Department was joined by a handful of states. But several others, known as the California group, disagreed.

As reported by Bloomberg News, antitrust regulators from California and five other states said in a filing today that Microsoft still maintains a monopoly over personal computer operating system software and some provisions of the settlement have yielded "little, if any, tangible pro-competitive results."

"There can be little doubt that Microsoft's market power remains undiminished," state regulators said in the filing in federal court in Washington. Key provisions of the settlement "have had little or no competitively significant impact."

The California group never agreed to the final judgment and was forced to join in it.

The Justice Department release was timed to a series of filings by the parties in the broad antitrust settlement, most of which expires this November, including Microsoft, the department and the states.

In a statement this morning, Microsoft General Counsel Brad Smith noted that the company intends to continue its compliance with terms of the settlement after it expires and codified its own view of its responsibilities in a set of "Windows Principles" issued last year.

"As it was specifically intended, the Consent Decree defined clear rules for how Microsoft competes without preordaining winners in the technology marketplace. The Consent Decree shaped how we view our responsibilities and led us to adopt a set of voluntary principles that will continue to apply even after major parts of the U.S. antitrust ruling expire this November," Smith said.

The Justice Department cited several examples of middleware competitors — including Web browsers such as Mozilla's Firefox, Opera, and Apple's Safari; and multimedia players from Apple and Adobe — to support its assertion that the final judgment has protected competition.

It's important to note — and the Justice Department does — that the settlement was only aimed at preserving competition in this middleware software category. It was not an attempt to roll back Microsoft's monopoly in operating system software. Windows is still the dominant OS, running more than 90 percent of the world's computers.

[Copyright © 2007 The Seattle Times Company](#)