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Judge releases questions on eve of Microsoft settlement

NEW YORK (AP) — The federal judge overseeing the antitrust case against Microsoft Corp. questioned the limited scope of the agreement Thursday, raising issues at the heart of the software giant's dominant role in the computer industry.

A day before Microsoft and the Justice Department were to seek final approval of the settlement, U.S. District Judge Stanley Sporkin in Washington said he will ask the two sides to explain why certain business practices were left out of the agreement.

Sporkin said he wanted to know why Microsoft wasn't required to establish a barrier between the development of operating software, which runs the basic functions of a personal computer, and applications software, which includes word processing and spreadsheet programs.

Microsoft critics said it gave its own applications programmers access to operating software improvements before sharing them with other companies, a key advantage that helped Microsoft attain unparalleled strength.

Sporkin's ruling is not itself a sign that he will reject the agreement, but rather an agenda for winning his approval. It indicates the judge has taken into consideration many of the criticisms of the settlement, forged last July after a four-year government investigation of Microsoft.

Sporkin questioned why the Justice Department created no system to monitor Microsoft's compliance with the agreement, which requires changes in incentives Microsoft gave personal computer makers to install its software.

The judge said he also wanted to know why the settlement shouldn't have a provision that bans Microsoft from misleading statements about products in development, a marketing practice known as "vaporware" that tends to prevent potential competitors from entering a market.

Sporkin also wanted to know why Microsoft wasn't required to disclose codes that give it an advantage over other software companies in creating word processing and other applications software.

Microsoft spokesman Greg Shaw said the company will be able to address the issues raised by Sporkin. "We're hopeful the judge will grant this," he said.

The Justice Department had no immediate comment.

If the settlement is rejected, Sporkin could order the Justice Department and Microsoft to try again. That raises the prospect of much harsher restrictions on Microsoft that could, in the extreme, include splitting it up like AT&T more than a decade ago.

The computer industry has been transfixed by the case, awaiting the outcome in what could be a pivotal point in the story of Microsoft's phenomenal success and awesome reach.

Sporkin conducted two hearings last fall. He indicated before his Thursday release that the hearing Friday would be the final one in the case, but he also invited comment from interested parties.

Stick

By Alvaro



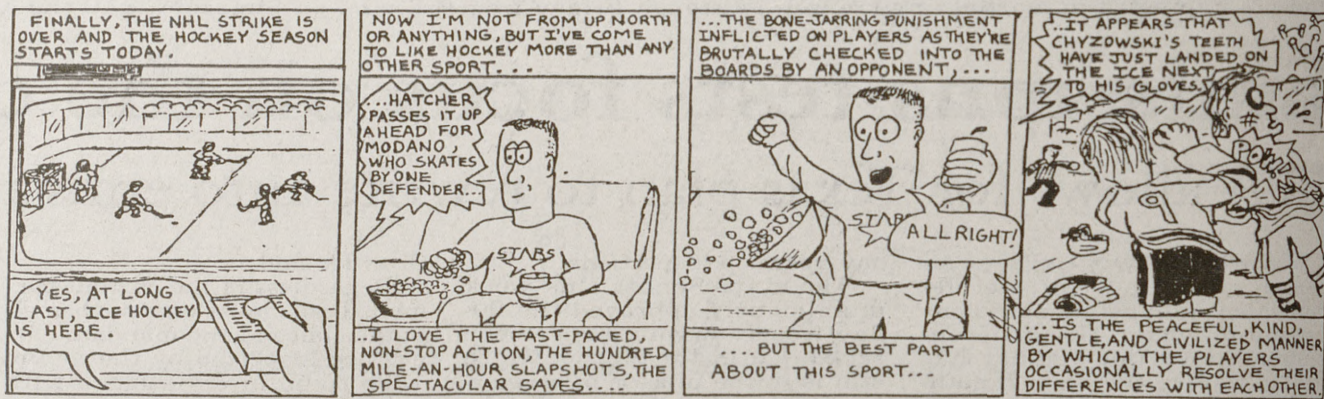
THE INKWELL

By Brad



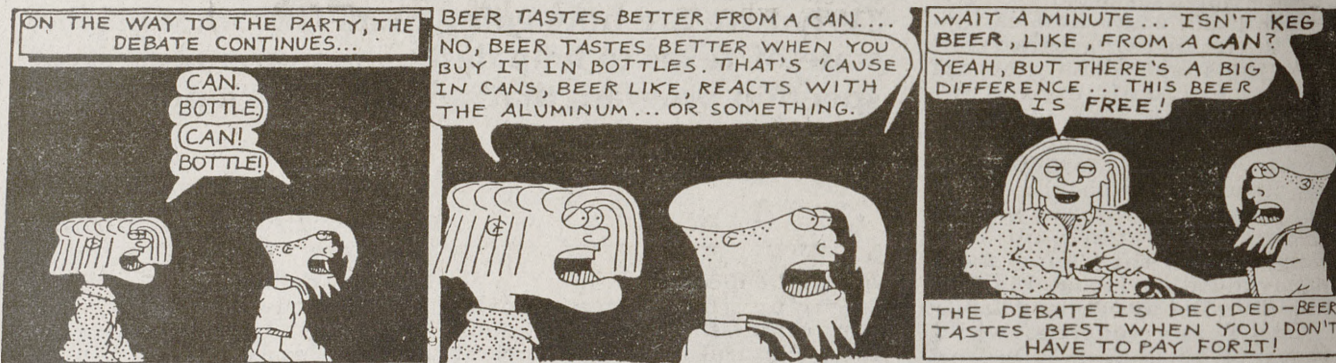
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By Greg



Sketch

By Quatro



WEATHER

Today Partly cloudy. High 62. Northwest wind 10 m.p.h.	Saturday Partly cloudy. Low near 40. Light wind.	Sunday Mostly cloudy with widely scattered showers. High 60.
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Source - A&M Chapter of the American Meteorological Society

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