

High-tech disaster during antitrust trial caused by simple mistake, Microsoft says

WASHINGTON (AP) — Microsoft said Wednesday a simple mistake caused a high-tech video demonstration to go awry at its antitrust trial in a courtroom fiasco.

The senior vice president, James Allchin, testified the demonstration Monday revealed a tainted cause unrelated to Microsoft's software from its online service.

Microsoft removed the company's computer, causing a subtle change in how the title of one program looked.

Allchin insisted that the test results were valid, saying that government efforts to fix Microsoft's Windows 98 software had caused dramatic performance problems and disabled key functions.

Microsoft had believed that its demonstration would be an effective rebuttal of the government's claims that its Internet Explorer software could be easily removed from Windows 98.

The company video shows its software running dramatically after the government tried to delete most Internet functions.

The issue is key because the government alleges that Microsoft's design forces consumers to use Windows also to use its software, discouraging them from using rival software.



GATES

But in one of the trial's most sensational moments, Justice Department lawyer David Boies stopped the video in midframe Tuesday to reveal an inconsistency barely perceptible among the pixels: the border showing the browser's name was different in one part of the video than in another.

Boies charged — and Allchin agreed — that the subtle change in the border, called the title bar, indicated that Microsoft's test actually used a version of Windows unaffected by the government's modifications.

But Wednesday, Allchin said the change resulted in the removal of online software from Prodigy Communications Corp., which affected only the disputed title bar by deleting a system setting, called a registry key.

"When Prodigy is uninstalled, it changes the key," Allchin told the judge. "It actually deletes it."

Allchin said Microsoft flew the affected computer and some of its engineering team from its West Coast headquarters to Washington aboard a commercial jet late Tuesday.

"David (Boies) got a big bang on a very trivial issue," Microsoft lawyer Michael Lacovara said.

Boies, who didn't mention the video in court Wednesday, said previously that there was no evidence the demonstration was deliberately altered.

"Whether it was deliberate or a result of incompetence, the video

was wrong," Boies said.

Three computer experts — two young men in their early 20s and their former college professor — found the discrepancy for the government the weekend Microsoft made a copy available.

The experts — Edward Felten of Princeton University and his former students — noticed the problem almost immediately, even though Microsoft's computer talent and its high-priced lawyers missed it.

The Justice Department invited Felten and his two young colleagues Wednesday to sit in the courtroom's front row.

Even with Microsoft's explanation, the debacle caused the company serious problems in how its legal fight is perceived.

The Wall Street Journal wrote that the trial defense is "reeling from a series of courtroom setbacks."

And Rich Gray, a California antitrust lawyer analyzing the case daily for the San Jose Mercury News, wrote: "The last time the United States government inflicted this much punishment on a foe, the evening news was filled with aerial photography of bombed-out vehicles and burning Iraqi tanks on the highway leading out of Kuwait City."

Gray acknowledged he was taking "poetic license," but said: "When you bring in a piece of evidence into a federal courtroom, that evidence most definitely should be what you say it is."

Revolutionary drug can treat arthritis — if patients can afford it

WASHINGTON (AP) — Dr. Scott Baumgartner has good news and bad news for his elderly patients with rheumatoid arthritis: A revolutionary new drug can cure their disease, but it costs up to \$1,000 a month and Medicare won't pay for it — or any prescription drug.

It's a shame to have to say, "Well, here's this medicine — they've all read about it, they know it might help them — but you can't do it," Baumgartner said.

Some patients in his Spokane, Wash., practice are taking the drug, Enbrel, for a few weeks at a time as they can afford it. Others simply stay with inferior treatments.

Medicare, the government health insurance program for 39 million elderly and disabled Americans, never paid for prescriptions.

President Clinton as well as many Republicans would like to change that. But the costs could be staggering for a program already facing a shaky financial future.

New drugs are among the greatest medical advances in recent years, reducing heart attacks and cancer deaths and even slowing the progress of AIDS. As a result, the lack of prescription coverage is becoming a bigger problem.

If elderly Americans are not getting the medicines they need, it's costing the nation a lot of dollars for increased medical care," said Dr. Raymond Woosley, who heads the pharmacology department at Georgetown University Medical Center.

Enbrel is an extreme example. But the costs of older drugs also can add up: one common blood thinner used to avoid blood clots in heart and stroke patients costs \$60 a month and a common heart drug \$180. Older Americans take five or six prescription drugs on average.

Clinton has said he wants to add drug coverage to Medicare — assuming he and lawmakers can find a way to ensure the program can provide the benefits it promises.

The president has suggested using some of the expected federal budget surplus for Medicare. Even so, Medicare is expected to run short of cash as the huge baby boom generation retires, entering the program in

waves around 2010.

That has members of a commission advising the president and Congress on Medicare searching for options.

"People would like to have a drug program if we can find a way to pay for it," said Sen. John Breaux, D-La.

The government estimates about two-thirds of senior citizens have some drug coverage. Most get it through retiree health benefits offered by former employers, or through supplemental policies known as Medigap that they buy on their own.

Others get coverage through the small number of Medicare HMOs, or through Medicaid public assistance for the poor.

But the percentage of large companies offering health benefits to their retirees has dropped by 20 percent in the 1990s. A recent Consumer Reports study found Medigap prices have gone up as much as a third.

Meanwhile, HMOs squeezed by Medicare's cost-cutting are curbing drug reimbursements offered as perks to attract the elderly, or limiting them to cheaper generic or older brand-name drugs.

The result: The newest drugs, expensive because they're developed at tremendous cost to companies trying to return profits to investors, are out of reach for many.

Nevertheless, there is mounting evidence that Medicare will actually lose money in the long run if the elderly cannot get the best medicine.

One recent study, for example, attributed a rash of broken hips to retirees taking older antidepressants, which are cheaper but can cause a drop in blood pressure and thus dizziness, Woosley said. Newer but more expensive antidepressants don't affect blood pressure as much.

"A prescription drug costs an awful lot less than a hospitalization," Woosley said.

But the upfront expense of paying drug costs for the elderly is daunting. One government estimate found that adding even a modest benefit — having Medicare pay, for example, 75 percent of their drug bills — would cost at least \$20 billion a year.

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