

# Government seeks punishment, remedy following Microsoft ruling

WASHINGTON (AP) — The nation's top antitrust official said the government is "looking for a full range of remedies" to punish Microsoft following a judge's ruling that the software giant misused its monopoly powers.

Despite U.S. District Judge Thomas Penfield Jackson's preliminary findings against Microsoft, both the government and the company expressed a willingness to consider an out-of-court settlement.

In an open letter, Microsoft Chair Bill Gates said the company is committed to "a fair and responsible" resolution. The company's chief operating officer, Bob Herbald, said on yesterday's talk shows that "there's nothing we'd like more than to settle this case."

Assistant Attorney General Joel Klein, who also appeared on three television programs, said, "Obviously settlement is always an option."

Neither Klein nor Herbald would suggest that an agreement might entail. "We would need a settlement that deals with the very findings that the court made in this case, a settlement that produces consumer choice, innovation and competition in the market," Klein said on "Fox News Sunday."

He cited "serious issues here about law enforcement and the antitrust laws. And of course if Microsoft were prepared to engage on those issues, we would be prepared as well."

In Gates' letter, which appeared as a full-page advertisement in *The Washington Post*, he wrote that "Microsoft is committed to resolv-

ing this matter in a fair and responsible manner, while ensuring that the fundamental principles of consumer benefit and innovation are protected."

"At the heart of this case," he said, "is whether a successful American company can continue to improve its products for the benefit of consumers."

*"Microsoft is committed resolving this matter ..."*

— BILL GATES  
MICROSOFT CHAIR



The letter, addressed "To Our Customers, Partners and Shareholders," also appeared on Microsoft's World Wide Website, dated Friday, the day Jackson released his ruling. It was similar to a statement Gates read on the same day.

Jackson, who presided over 77 days of testimony, declared in a remarkably blunt decision that Microsoft's aggressive use of its monopoly status stifled innovation and hurt consumers by limiting choices.

On ABC, Klein said Jackson's findings meant that "Microsoft was able to control personal computers and control investment in that area."

"You know, in America you have a choice,"

Klein said. "And if IBM or Gateway or Compaq or Dell ... had choice, they could go to Microsoft and negotiate (or) they could go to somebody else and negotiate. Here, everybody's got to go to one place — that's what's hurting us."

He said both sides will submit to Jackson legal analysis of his findings, after which the judge will decide penalties, if any.

Government lawyers, Klein said, are "doing an analysis that will look at the full range of remedies." Asked if breaking up Microsoft is among them, Klein said: "That is in the range, but ... it is premature for us now to get ahead of the story."

One penalty that he appeared to rule out is a fine. "Let me make clear we are not looking for any financial penalties," Klein said on CNN's "Late Edition." "We're concerned with competition. This is not a penal action, and we're not going to seek monies."

Appearing on the same program, Sen. Orrin Hatch, chairman of the Senate Judiciary Committee, praised Klein for his prosecution and counseled Microsoft to negotiate.

"If I was Microsoft, I would really sit down with Justice and see if we can resolve this matter in a settlement that would really keep Microsoft going, keep this industry going, and of course keep innovation moving."

Hatch, R-Utah, a candidate for the 2000 Republican presidential nomination, said the protracted trial and Judiciary Committee hearings on the case already have paid off for the industry.

# Relatives of victims gather at crash site

## Service at sea held for EgyptAir Flight 990

NEWPORT, R.I. (AP) — Relatives of the victims of EgyptAir Flight 990 gathered yesterday to bid them a wrenching farewell, with one woman wailing "My baby, my baby!" and others holding onto each other after an emotional service at the edge of the sea where their loved ones remain.

About 250 family members gathered on a clear, cold afternoon at a park overlooking the Atlantic Ocean as leaders of the Jewish, Christian and Islamic faiths offered readings, chants and prayers in three languages.

"Your loss is great, your pain deep, but you must find solace in the memory of those wonderful moments you shared with your loved ones," Egyptian Ambassador Nebil Fahmy, who read from the Bible and the Quran, said.

Relatives were led to the water through a corridor formed by military personnel and caregivers including workers from Red Cross, National Transportation Safety Board and Salvation Army.

Some wept and wiped their faces with handkerchiefs as they dropped flowers into the sea, while others left their flowers in a wicker basket. One woman was so overcome that she had to be helped to the beach. Others wailed and wept.

A military honor guard carried the basket to a Coast Guard helicopter, which hovered overhead briefly before slowly departing. The Coast Guard said the helicopter would drop the flowers at the crash site tomorrow.

At sea, the Navy received reinforcements yesterday as it sought to retrieve the airplane's flight data and cockpit voice recorders from the ocean floor.

A civilian ship equipped with a newer, remote control submersible robot headed out to the area off the Massachusetts island of Nantucket where the Boeing 767 plummeted

into the sea Oct. 31 from 33,000 feet, killing 217 people.

At the same time, the Navy's USS Grapple, the floating base for the robot Deep Drone that already has been at work amid the sunken wreckage, headed back into port for refueling. Deep Drone worked on the ocean bottom for 10 hours Saturday but had to be brought back to the surface after the sea became too rough.

The new robot, called the Magnum ROV, is more maneuverable than Deep Drone and can be used in rougher seas, National Transportation Safety Board Chair James Hall, said. It was being carried aboard the civilian ship Carolyn Chouest.

After the Grapple returns to sea once it has refueled, both robots will be put to work. However, the weather is not expected to improve enough to lower Magnum and Deep Drone into the water until this afternoon at the earliest.

On land, clusters of people gathered on street corners as buses took the relatives to the memorial service.

Newport resident Alison Vareika was inspired to stand along the route by her minister, a grief counselor for the families. "If I was one of the people who was grieving, I think it would make me feel better to see any public show of compassion," Vareika said.

The memorial service was held in a large tent facing the ocean. At the headtable were flags of the United States, Egypt, Canada, Syria, Sudan, Germany and Zimbabwe, representing the nationalities of the victims.

Abdulla el-Mahrouky, who lost his sister, Maha el-Mahrouky, an airline attendant, decided to stay for the service but planned to leave afterward.

"It's very difficult for me to return without a body," he said. "I want to know what happened. I don't know anything."

# Scientists grow 'spare' heart valves in test tube

ATLANTA (AP) — In search of better spare parts, scientists for the first time have grown heart valves from scratch in a test tube, then shown that they work like nature's own — at least in animals, researchers said yesterday.

The approach, called tissue engineering, is intended to create a fresh source of heart valves to replace those that wear out or are faulty from birth. Using the recipient's own cells, researchers hope to construct valves that will grow as the recipi-

ent does and work without blood-thinning drugs.

So far, the experiments have been conducted on lambs with the valves grown at Children's Hospital in Boston by Dr. Simon Hoerstrup, who described the results at the annual scientific meeting of the American Heart Association.

"What's exciting is the possibility of making valves that are exactly like our own. That's the potential here," Dr. Valentin M. Fuster of Mt. Sinai Medical Center in New York City, said.

Heart valves open and shut so blood will flow in only one direction through the heart. When they deteriorate or leak, surgeons replace them with either mechanical valves — made from metal, ceramics, plastic, Dacron and other materials — or valves taken from pigs and other animals. Neither kind is ideal.

The animal valves tend to wear out, so they must be replaced. And the mechanical ones, while more durable, can trigger the development of blood clots, so recipients

must take blood-thinning drugs that can cause unwanted bleeding.

Young patients with heart defects currently must undergo several potentially life-threatening valve replacement operations as their hearts outgrow their mechanical valves, which is why the Boston researchers are especially interested in valves that will grow with the recipient.

The test-tube valves appear to answer the problem, but it likely will be five years or more before they will be ready for human use, Hoerstrup said.

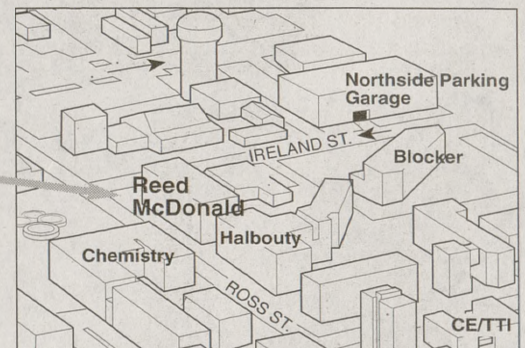
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