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Microsoft readies 'measured' response to DOJ breakup plan

ASSOCIATED PRESS

Microsoft Corp.'s response to the government's breakup plan will likely question most of the government's basic assumptions and could send the case into weeks, if not months, of additional court proceedings.

With numerous options available to it, Microsoft could take a two-or three-pronged approach in its response, to be filed with U.S. District Court Judge Thomas Penfield Jackson.

Microsoft plans to first attack the breakup plan, filed April 28 by the U.S. Department of Justice and 17 of the 19 states that have filed antitrust complaints against the software giant. The government proposal would split the company in two: one company to develop and market the Windows operating system, the other to develop Microsoft's other software and Internet holdings, including the Microsoft Office suite of programs. Sources told The Associated Press that Microsoft believes the scope of the government's breakup plan is far too broad and introduces additional evidence that was not brought up at trial.

Because of that, Microsoft is considering asking Jackson to simply disregard most of the reasoning behind the government's

proposal.

Secondly, Microsoft will directly address the remedies proposed by the Justice Department.

The Washington Post reported over the weekend that Microsoft may offer to strip the Internet Explorer Web browser out of future versions of Windows and allow computer makers greater leeway in installing and making changes to the operating system.

Company sources said, however, that such moves were "speculative" and that nothing had been decided yet. "We plan to submit a response which will address the specific concerns voiced in the judge's rulings, many of which we do not agree with and will appeal," said Microsoft spokesman Mark Murray. "These will be measured responses and will not go as far afield as the Justice Department

did in its filing."

Murray refused to comment on the specifics of Microsoft's filing, though sources said they would not likely approach the scope of what Microsoft put on the table during the failed settlement talks in March. Back then, Microsoft was willing to make adjustments in its contracts, pricing and dealings with other software developers.

Finally, Microsoft has said it plans to

ask the judge for additional time -weeks or even months -to gather depositions and evidence to combat the government's filing. Although the Justice Department's remedy proposal was only 17 pages, the government submitted 167 pages of supplemental material and declarations of five experts.

Microsoft will likely ask for the chance to cross-examine the government's experts as well as gather expert declarations of its

"If Judge Jackson doesn't give Microsoft at least a little more time, he runs an increased risk of having the case handed back to him by the appeals court," said William Kovacic, an antitrust expert at the George Washington University School of Law.

In the meantime, Microsoft has continued its public relations offensive. Bill Gates, Microsoft chairman and co-founder, wrote an article in *Time* magazine this week, defending his company and arguing against a breakup.

Microsoft representatives also briefed selected members of

Congress about the case. Shares of Microsoft fell \$1.311/4 to \$69.811/4 in trading on the Nasdaq Stock Market.

HUD's reverse mortgage has quadrupled

CONTRIBUTED STORY FOR THE PORTLAND OBSERVER

Housing and Urban Development Secretary Andrew Cuomo today reported to Congress that reverse mortgages have become increasingly popular among cashpoor but equity-rich senior citizens, with the number of reverse mortgages more than quadrupling since they first became available in the early 1990s.

"As our elderly population increases, it is critically important that we provide the opportunities and the resources to enable them to continue to live their lives with dignity," said Sarbanes. "This should include safe, decent and affordable housing, both for seniors who are living independently and for those who need assistance performing daily tasks. The legislation I am introducing will expand our federal commitment to help accommodate the needs of those in their golden years."

Reverse mortgages provide elderly homeowners a financial vehicle to tap the equity in their homes without having to sell or move from their homes. The reverse mortgages are available to all homeowners at least 62 years old who have low outstanding mortgage balances or own their homes free and clear. The borrower must occupy the property - which may be a single-family home, multi-

family dwelling, a manufactured home or an Federal Housing Administration-approved condominium - and the property must meet minimum FHA property standards.

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MC – Sharon Mitchell

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RSVP on or before Monday May 15, 2000