

THE MICROSOFT ANTITRUST CASES

COMPETITION POLICY
FOR THE TWENTY-FIRST
CENTURY

ANDREW I. GAVIL AND HARRY FIRST



The Microsoft Antitrust Cases The Microsoft Antitrust Cases

RJ Shavelson



The Microsoft Antitrust Cases The Microsoft Antitrust Cases:

The Microsoft Antitrust Cases Andrew I. Gavil, Harry First, 2014-11-21 A comprehensive account of the decades long multiple antitrust actions against Microsoft and an assessment of the effectiveness of antitrust law in the digital age For more than two decades the U S Department of Justice various states the European Commission and many private litigants pursued antitrust actions against the tech giant Microsoft In investigating and prosecuting Microsoft federal and state prosecutors were playing their traditional role of reining in a corporate power intent on eliminating competition Seen from another perspective however the government s prosecution of Microsoft in which it deployed the century old Sherman Antitrust Act in the volatile and evolving global business environment of the digital era was unprecedented In this book two experts on competition policy offer a comprehensive account of the multiple antitrust actions against Microsoft from beginning to end and an assessment of the effectiveness of antitrust law in the twenty first century Gavil and First describe in detail the cases that the Department of Justice and the states initiated in 1998 accusing Microsoft of obstructing browser competition and perpetuating its Windows monopoly They cover the private litigation that followed and the European Commission cases decided in 2004 and 2009 They also consider broader issues of competition policy in the age of globalization addressing the adequacy of today s antitrust laws their enforcement by multiple parties around the world and the difficulty of obtaining effective remedies all lessons learned from the Microsoft cases **Microsoft on Trial** Luca Rubini, 2010-01-01 *Microsoft on Trial* analyses the antitrust cases that have involved Microsoft in both sides of the Atlantic and offers a thorough and timely discussion on the regulation of unilateral behaviour in a topical sector This fascinating and highly topical book facilitates discussion on the difficult technical legal and economic issues with respect to innovation competition and welfare raised through the span of more than a decade by the US and EC Microsoft antitrust cases It assesses their impact on the evolution of EC and US laws on competition and intellectual property in the IT sector and beyond Trust On Trial Richard B. McKenzie, 2000-04-06 A professor of economics presents an incisive argument proving that current rules of business competition are rendered obsolete by the dynamics of information age companies **The Microsoft Case** William H. Page, John E. Lopatka, 2009-10-15 In 1998 the United States Department of Justice and state antitrust agencies charged that Microsoft was monopolizing the market for personal computer operating systems More than ten years later the case is still the defining antitrust litigation of our era William H Page and John E Lopatka s *The Microsoft Case* contributes to the debate over the future of antitrust policy by examining the implications of the litigation from the perspective of consumer welfare The authors trace the development of the case from its conceptual origins through the trial and the key decisions on both liability and remedies They argue that at critical points the legal system failed consumers by overrating government s ability to influence outcomes in a dynamic market This ambitious book is essential reading for business law and economics scholars as well as anyone else interested in the ways that technology economics and antitrust

law have interacted in the digital age This book will become the gold standard for analysis of the monopolization cases against Microsoft No serious student of law or economic policy should go without reading it Thomas C Arthur Emory University The Microsoft Antitrust Case Nicholas Economides, 2014 This paper analyzes the law and economics of United States v Microsoft a landmark case of antitrust intervention in network industries The United States Department of Justice and 19 States sued Microsoft alleging i that it monopolized the market for operating systems of personal computers and took anti competitive actions to illegally maintain its monopoly ii that it attempted to monopolize the market for Internet browsers because such browsers would create competition for operating systems iii that it bundled its browser Internet Explorer with Windows and that it engaged in a number of other anti competitive exclusionary arrangements with computer manufacturers Internet service providers and content providers attempting to thwart the distribution of Netscape s browser The District Court Judge found in most points for the plaintiffs and ordered the breakup of Microsoft into two companies one with all the operating systems software and one with all other products of the company The District Court also imposed a number of severe restrictions on the business conduct of Microsoft We analyze the economic issues related to liability We also analyze the applicability and effectiveness of the remedies imposed by the District Court and contrast them with other potential remedies **Microsoft, Antitrust and the New Economy: Selected Essays** David S. Evans, 2002-03-31 These essays written by critics of the government s efforts to regulate Microsoft constitute an effort to put the case in the context of the ongoing debate over the role of government in managing markets especially in technology driven new economy industries The End of the "Microsoft" Antitrust Case?, 2009 Re-Framing Windows Harry First, Andrew I. Gavil, 2014 The success failure and durable meaning of major antitrust cases often turn on how they are framed before the courts and the public In the Microsoft monopolization litigation the government plaintiffs framed the case as one in which Microsoft sought to extinguish the threat to its Windows monopoly with a comprehensive strategy of using monopoly power to exclude potential rivals rather than succeeding through superior products In decided contrast Microsoft argued that the government plaintiffs acting at the behest of losing competitors were attempting to interfere with a dynamic and continually evolving industry one in which Microsoft actually faced potent competitive threats For a time the plaintiffs narrative was ascendant The narrative began to lose ground however when a new administration took office in Washington and settled the case on terms that were unlikely to bring competition to the market in which Microsoft had improperly maintained its monopoly The re framing of the Windows case was underway In this article we trace the reframing process We begin by reviewing the original trial and appellate court decisions upholding the core of the plaintiffs case We show how the seeds for reframing planted in the court of appeals decision were subsequently used by the Justice Department to justify a settlement We then review the settlement decree s administration to demonstrate how disappointing its results have been Indeed the government that once prosecuted Microsoft has now come full circle to defend many of Microsoft s core business strategies and to criticize antitrust

enforcement agencies elsewhere in the world that are still attempting to stop Microsoft's exclusionary conduct. As Microsoft has been reframed, the case has thus become a vehicle for redirecting antitrust doctrine and enforcement away from the problems of monopoly especially in the new economy in part by demeaning the value of government antitrust enforcement. The history of the public prosecution of Microsoft reminds us that major monopolization cases are important to bring but politically difficult to manage to successful conclusion. If the effort to reframe the Microsoft case succeeds, our concern is that the already limited public power available to pursue private power in the public interest will be circumscribed and the historic role of the government to challenge competition-related abuses of private power may be crippled. **Antitrust**

Abuse in the New Economy Richard L. Gordon, 2002-01-01. The Microsoft case is arguably the most important antitrust case in half a century. The author evaluates the economics of both sides, offering a paragraph-by-paragraph critique of the testimony. This volume is a careful discussion valuable for its reporting of and attention to details discussed elsewhere only in more general terms. The comprehensive bibliography lists about 225 publications, making this a good resource for publications on Microsoft up to early 2001. **Non-Mutual Offensive Collateral Estoppel in Private Antitrust**

Litigation Michael Jacobs, 2012. For nearly 100 years, antitrust policy in the United States has reflected the important role of private enforcement by allowing private litigants to benefit from successful government enforcement actions. With the enactment of section 5(a) of the Clayton Act in 1914, prior judgments obtained by the government were given prima facie effect in follow-on litigation by private parties. Following the U.S. Supreme Court's 1976 decision in *Parklane Hosiery Co. v. Shore*, non-mutual offensive collateral estoppel has since supplanted section 5(a) as the tool of choice in many private antitrust lawsuits. That doctrine, however, has been described as detailed, difficult, and potentially dangerous, and the cautious approach that some courts have adopted in the antitrust context is in tension with the policy preference expressed in the Clayton Act that favors giving private plaintiffs the full benefits of prior government judgments. The Microsoft antitrust litigation presents one of the most interesting and challenging examples of that tension and thus provides important lessons for future cases. This article seeks to provide a framework based on lessons learned in Microsoft for the application of non-mutual offensive collateral estoppel in antitrust cases that gives effect to the policy considerations underlying section 5(a) of the Clayton Act while remaining mindful of the concerns identified by the U.S. Supreme Court in *Parklane Hosiery*. It argues that a broader application of the doctrine is warranted in the antitrust context and that in order to give private plaintiffs the full benefit of prior government enforcement actions, all issues decided in the earlier proceeding that were necessary to each analytical step undertaken by the court in deciding under the applicable substantive standard that the antitrust laws had been violated should be given preclusive effect. *Microsoft, Antitrust and the New Economy* David S. Evans, 2014-01-15. **Antitrust:**

The Case for Repeal Dominick T. Armentano, 2007. **U.S. V. Microsoft** Joel Brinkley, Steve Lohr, 2001. Sums up the issues in the antitrust case brought by the U.S. against Microsoft. **F&S Index United States Annual**, 1999. **Southern Economic**

Journal ,1927 **New York Law Journal Digest-annotator** ,2000 **Symposium** ,2009 **Copyright World** ,1997

How to be a Billionaire Martin S. Fridson,2001-05-23 A truly enlightening work filled with fundamental strategies that have worked for others Martin Fridson documents the essential principles inherent in every billionaire s success Gordon Bethune Chairman of the Board and CEO Continental Airlines Self made billionaires all have one thing in common they excel at making money But hard work thrift and focus are only part of the story you hold the rest of it in your hands How to Be a Billionaire is the first comprehensive picture of the real strategies and tactics that built the great business fortunes of modern times Packed with engaging accounts of titans like Ross Perot Richard Branson Phil Anschutz John D Rockefeller Wayne Huizenga Bill Gates J Paul Getty and Kirk Kerkorian How to Be a Billionaire will show you principles that can increase your wealth and business acumen to the mogul level How to Be a Billionaire looks at the careers the methods and the minds of self made billionaires to distill the common keys to titanic accumulations of wealth Each chapter explores a specific strategy and brings it to life through extended profiles of past and present masters of the art of making money Do you think innovation is the best way to prosper in business Sam Walton founder of the Wal Mart retail chain would tell you otherwise The key to Walton s success was supreme devotion to copying the methods of other successful discounters What could be less complicated than buying low and selling high But the ascent of Warren Buffett John Kluge and Laurence Tisch to billionaire status depended on much more than an eye for good bargains And if you re looking to thrive by outmanaging the competition look no further than Richard Branson When the founder of Virgin Atlantic needed to reduce his staff by 400 people 600 volunteered to take off a few months on sabbatical How to Be a Billionaire identifies the methods beliefs and behaviors every businessperson must understand and emulate to reach the pinnacle of riches A manual for success that can benefit every aspiring tycoon it is a fascinating read for anyone intrigued by wealth and how it s gotten Praise for HOW TO BE A BILLIONAIRE How to Be a Billionaire offers fascinating insight into the subject of building wealth As a result of his exhaustive research Martin Fridson is able to explain the wealth creation process from a unique perspective As the reader will discover there is no single formula for success but there are certain categories into which these concepts can be placed My personal advice is to remember the words of Winston Churchill who said Success is the ability to go from one failure to another with no loss of enthusiasm Ross Perot Martin Fridson has created the ultimate roadmap to the American Dream He comes as close to extracting a formula for the acquisition of wealth as any book I have ever read Jeff Sagansky CEO Paxson Communications Martin Fridson s book has a number of very insightful and thoughtful analyses something you don t pick up in many business schools Philip F Anschutz Chairman and CEO The Anschutz Corporation How to Be a Billionaire is a powerful arsenal of dead on strategies for increasing your personal wealth and business acumen Marty Fridson details the tactics of self made billionaires with great intelligence and insight I wish this book had been available when I was starting my career Spencer Hays Founder Tom James Company Executive Chairman Southwestern Great American Inc Chairman Athlon

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