

# Microsoft appeals browser antitrust injunction

WASHINGTON (AP)—Three federal appeals judges, asked to consider procedural questions in the Justice Department's fight against Microsoft, instead went to the heart of the debate: Is the company illegally trying to dominate its competitors?

Microsoft is appealing a judge's Dec. 11 preliminary injunction that prohibited it from forcing computer makers who sell Windows 95 to also offer Microsoft's Internet browser. The company claims the browser is bundled so tightly within its dominant Windows operating system that Internet Explorer isn't actually a separate product.

U.S. Circuit Judge Patricia M. Wald questioned Tuesday how that

injunction was granted.

The Justice Department, which is considering a broader antitrust case against Microsoft, contends the software company is using its Windows market-muscle to foist its browser on customers unfairly, illegally squeezing other companies' browsers out of the market. Government attorneys say "tying" the sale of Windows 95 to the use of Internet Explorer is anti-competitive and "plain wrong."

The court's decision could be announced in one to three months.

The sometimes-esoteric debate is important because Microsoft may, under a 1995 agreement with the Justice Department, develop integrated products for its Windows operating

system, used on the vast majority of desktop computers. Microsoft's Internet Explorer is second in popularity only to Netscape Communication Corp.'s browser.

In a broader sense, the fight over browsers is vital to Microsoft because of the Internet's explosive popularity and the possibility that Internet browsers eventually could replace Windows as software operating systems.

"What it all comes down to in the end is, what is an integrated product?" Wald said, and much of the hearing was spent trying to answer that question.

The Justice Department argued that Microsoft's current Internet

browser is a stand-alone product, in part because it had been marketed simultaneously alongside Windows 95. Microsoft has said its original Internet Explorer wasn't included in the earliest Windows 95 because of technical delays.

"If Microsoft stopped selling the browser separately, it's not a violation? Why that does make sense?" asked Judge A. Raymond Randolph. "What's to prevent Microsoft from bundling a new browser, one that's never been marketed, with Windows 98?"

"There may be no basis, your honor," answered Justice lawyer Douglas Melamed, the deputy assistant attorney general for antitrust.

The third judge, Stephen F.

Williams, noted "the complete overlap of code, or if not complete overlap then a large degree of overlap" between Windows 95 and Internet Explorer.

But when Microsoft defended its right to integrate products with Windows, Wald accused the company: "Your position is, you can have your cake and eat it, too?"

Microsoft's attorney, Richard J. Urowsky, asked the three-judge panel to overturn the Dec. 11 preliminary injunction because the Justice Department had never requested such a move. Instead, the government had asked U.S. District Judge Thomas Penfield Jackson to find Microsoft in contempt for allegedly violating that 1995 agreement.

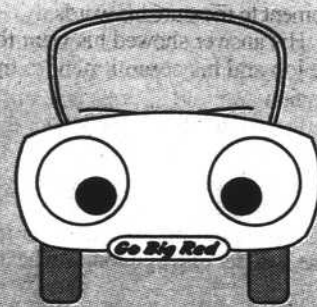
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## McCartney describes last words

LONDON (AP) — Paul McCartney Monday broke his silence about the death of his wife, Linda, describing his "total heart-break" at losing her to breast cancer.

The former Beatle said his final words to his wife of 29 years, who died Friday, were: "You're up on your beautiful Appaloosa stallion. It's a fine spring day. We're riding through the woods. The bluebells were all out, and the sky is a clear blue."

"I had barely got to the end of the sentence when she closed her eyes and gently slipped away," McCartney said in a statement. "She was unique and the world is a better place for having known her."

His statement closed with the words: "I love you, Linda."

Linda McCartney, who was diagnosed with cancer in 1995, died while on vacation in Santa Barbara, Calif., with her husband and children at her side. She was cremated in California on Friday or Saturday, said a family spokesman, Geoff Baker.

Her death was made public Sunday.

"This is a total heartbreak," McCartney said. "Linda was, and still is, the love of my life, and the past two years we spent battling her disease have been a nightmare. She never complained and always hoped to be able to conquer it."

"Her passing has left a huge hole in our lives. We will never get over it, but I think we will come to accept it."

The Sun, a British tabloid, reported today that her ashes have been scattered on the family farm at Peasmarsh, 50 miles southeast of London. It quoted an unidentified McCartney friend as saying it was "a quiet family occasion... It was very moving — exactly what Linda would have wanted."

Many paid tribute to Linda McCartney as a talented photographer, vegetarianism pioneer and savvy businesswoman.

"We were privileged to have known her — her positive courage through her illness was truly inspiring," former Beatle Ringo Starr said Monday.

"Everyone is diminished by her passing," said Beatles producer George Martin. "Paul has to bear the grief of not only losing his love and the linchpin of his family but also the best friend he ever had."

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