

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

OFFICE OF THE SECRETARY

NOTICE OF PLACEMENT OF COMMISSION ACTIONS
ON THE PUBLIC RECORD
IN MICROSOFT, FILE NO. 901 01117

On August 20, 1993, the Federal Trade Commission determined to place the following information on the public record:

1. At a closed Commission meeting on February 5, 1993, Chairman Steiger moved that the Commission authorize the Commission staff to file a complaint in an appropriate federal court seeking a preliminary injunction, under Section 13(b) of the Federal Trade Commission Act, to ban Microsoft from engaging in exclusionary tying practices and from the deliberate creation of nonfunctional incompatibilities between its own and competitors' operating system software in order to harm competitors, and to remedy Microsoft's practices with respect to existing per processor elements of current DOS license provisions. The motion failed for lack of a majority. For the record, Chairman Steiger and Commissioner Yao voted in the affirmative on the motion; Commissioner Azcuenaga and Commissioner Owen voted in the negative; and Commissioner Starek was recused.
2. At a closed meeting on July 21, 1993, Chairman Steiger moved that the Commission -- having reason to believe that Microsoft Corporation has violated Section 5 of the Federal Trade Commission Act and Section 3 of the Clayton Act -- issue an administrative complaint against Microsoft Corporation. The motion failed for lack of a majority. For the record, Chairman Steiger and Commissioner Yao voted in the affirmative on the motion; Commissioner Azcuenaga and Commissioner Owen voted in the negative; and Commissioner Starek was recused.

By direction of the Commission, Commissioner Starek recused.

SEAL:

Donald S. Clark
Secretary

ISSUED: August 20, 1993

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August 20, 1993

William H. Neukom, Esquire
Vice President, Law and
Corporate Affairs
Microsoft Corporation
16011 Northeast 36th Way
Redmond, Washington 98073-9717

Re:Microsoft, File No. 901 0117

Dear Mr.Neukom:

The Commission has conducted an investigation involving possible violations of the Federal Trade Commission Act by Microsoft Corporation. Upon further review of this matter, it now appears that no further action is warranted by the Commission at this time. Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

By direction of the Commission, Commissioner Starek recused.

Donald S. Clark
Secretary

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August 20, 1993

Paul C. Saunders, Esq.
Cravath Swain & Moore
825 Eighth Avenue
New York, New York 10019-7475

Re: Microsoft/IBM, File No. 901 0117

Dear Mr. Saunders:

The Commission has conducted an investigation involving possible violations of the Federal Trade Commission Act by IBM Corporation. Upon further review of this matter, it now appears that no further action is warranted by the Commission at this time. Accordingly, the investigation has been closed. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

By direction of the Commission, Commissioner Starek recused.

Donald S. Clark
Secretary