

EXHIBIT 18



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Microsoft Seeks Sun, IBM, Oracle, Novell Documents (Update6)

March 3 (Bloomberg) -- Microsoft Corp. is asking U.S. federal courts to force International Business Machines Corp., Oracle Corp., Sun Microsystems Inc. and Novell Inc. to disclose documents related to its European Union antitrust case.

Microsoft, the world's largest software maker, wants access to letters sent by the four competitors to the European Commission to help refute claims that it isn't complying with a 2004 antitrust order, the Redmond, Washington-based company said.

"We continue to have serious concerns about the lack of access to important documents in this case," Horacio Gutierrez, Microsoft's associate general counsel, said in an e-mailed statement. "Our repeated requests to the European Commission for full and fair file access have not been successful, so we are now turning to the U.S. courts for assistance."

Microsoft is facing the threat of 2 million euros (\$2.4 million) in daily antitrust fines for not complying with the commission's March 2004 order to license proprietary information to competitors, including developers of Linux and other so-called open-source projects. The Brussels-based commission says the software maker abused the dominance of its software, which runs on more than 90 percent of the world's personal computers.

Novell spokesman Bruce Lowry, Oracle spokesman Bob Wynne, Sun Microsystems spokeswoman Stephanie Hess and commission spokesman Jonathan Todd all declined to comment. IBM officials didn't immediately call for comment.

Shares of Microsoft fell 4 cents to \$26.93 at 4 p.m. New York time in Nasdaq Stock Market composite trading. They have gained 3 percent this year.

Trustee Report

On Dec. 21, the commission charged that Microsoft hadn't provided "complete and accurate" information on its Windows operating system to competitors. The charges were based on recommendations by Neil Barrett, a computer scientist who is monitoring Microsoft's compliance, and Brussels-based think tank Organisation and Technology Research.

Microsoft said today that it wants correspondence between the four companies, the commission, Barrett and OTR, according to complaints filed at U.S. federal courts in Massachusetts, the Southern District of New York and the Northern District of California San Jose Division.

EU Hearings

The commission will hold hearings March 30-31 with the company and its rivals on the EU's non-compliance charges. The regulator will then recommend a decision to a group of national competition regulators and make a final ruling on whether the company should be fined. This process has no fixed timeframe.

Competition Commissioner Neelie Kroes yesterday told a conference in The Hague that "if we carry on along the line we are holding at the moment, then there will absolutely be fines."

Microsoft, defending against the commission's allegations, has gone on the attack in recent weeks, accusing the regulator of blocking access to evidence and changing its demands.

The company yesterday said the EU arranged "secret contacts" between the four competitors and an EU-appointed monitor in the case. The company alleged the EU encouraged competitors to "educate" the monitor "in a manner detrimental to Microsoft."

U.S. courts hearing Microsoft's request "need to be very careful," said Frank Fline, an antitrust lawyer at EC Competition Law Advocates in Brussels. A ruling granting the company access to the documents "would completely undermine the European system of evidence."

Trying to 'Slow' Process

Microsoft is "trying to slow the thing up, clog up the machinery so the Commission cannot finish its work," Fline said. The company is using U.S. courts as a "conduit to information it isn't entitled to."

Microsoft is also appealing the 2004 antitrust order to the European Court of First Instance in Luxembourg, the EU's second-highest court. A hearing on the appeal is scheduled for April 24 and April 28.

In 2004, Advanced Micro Devices Inc. filed suit in U.S. District Court for the Northern District of California asking the court to compel rival Intel Corp. to produce documents related to an antitrust complaint Advanced Micro had filed with the EU against Intel.

The district court denied the application and was ordered to consider the merits of the case by the U.S. Supreme Court. The district court, using the Supreme Court's criteria, declined in October 2004 to order Intel to turn over the documents.

Microsoft is trying to do the same thing as Advanced Micro, said Joseph Simons, former chief antitrust enforcer at the Federal Trade Commission in Washington and now the co-head of the antitrust practice at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP.

The court will need to take into account whether Microsoft's request is consistent with European Commission policy, he said. The answer is unclear since the commission itself has refused to give Microsoft these documents, he said.

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Last Updated: March 3, 2006 17:09 EST

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