



FOR IMMEDIATE RELEASE
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KAPTUR CALLS FOR SCRUTINY OF MICROSOFT-YAHOO MERGER

WASHINGTON, D.C.—U.S. Representative Marcy Kaptur (D-OH-9) today sent a letter to Attorney General Michael Mukasey requesting review of Microsoft's recent bid to acquire Yahoo! Inc. The letter is copied below.

February 1, 2008

The Honorable Michael B. Mukasey
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Mukasey:

I am writing to you regarding the announcement this morning by Microsoft Corporation that it intends to buy Yahoo! Inc. Strict scrutiny should be applied to this transaction in light of the importance it has to consumers and our economy.

Your department is well aware of the actions that Microsoft has taken in the past to enhance its market power and dominance. This transaction threatens to, once again, limit consumer choice by consolidating Microsoft's presence on the Internet. Microsoft's market actions in the market have raised serious questions time and time again: Indeed, Microsoft just paid a \$1.6 billion fine in Europe for its anti-competitive actions and is under investigation for violating its European consent decree. As well, Microsoft continued to operate under a consent decree here in the U.S.

Microsoft's announcement also appears against the backdrop of its current aggressive posture in Congress seeking to reform and diminish the effectiveness of our nation's intellectual property protections. As part of its effort to dominate the high technology sector, Microsoft is seeking to fundamentally transform the treatment for those entities that infringe on the intellectual property of other innovators by minimizing the damages the victim could receive and to ensure that the potential for harassment would extended dramatically by allowing for virtually endless attacks on patent validity.

Microsoft long ago broached the point where its actions could be considered as enhancing American innovation and economic strength. Today, Microsoft is simply seeking to profit from its market dominance and control its sector. It is vital that strict scrutiny be the standard of review for its proposed transaction and that the entirety of Microsoft's past, present and planned activities be assessed by your Department.

I look forward to a prompt reply.

Sincerely,

MARCY KAPTUR
U.S. Representative

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