

NEWS RELEASE



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California Attorney General Brown Gets Microsoft to Change Vista

WASHINGTON D.C. – California Attorney General Edmund G. Brown Jr. announced today that Microsoft has agreed to make significant changes in the design of its desktop search feature in the Windows Vista operating system. Details of Microsoft’s agreement were outlined in a joint status report that was filed today in federal district court regarding the company’s compliance with a 2002 antitrust Final Judgment.

California Attorney General Edmund G. Brown Jr. said: “This agreement—while not perfect—is a positive step towards greater competition in the software industry. It will enhance the ability of consumers to select the desktop search tool of their choice.”

The California Attorney General’s Office became concerned with allegations that Microsoft was in violation of the Final Judgment after Google presented a complaint about the desktop search function in Vista, referred to as “Instant Search” in Microsoft’s promotional materials. Google argued that desktop search in Windows Vista is a “Microsoft Middleware Product” (MMP) and is therefore subject to the Final Judgment. The state contended that Vista’s desktop search feature is functionality that did not exist in prior Windows operating systems and is therefore covered under the Final Judgment.

Under the proposed solution, Microsoft will provide users and Original Equipment Manufacturers, such as HP or Dell, with greater flexibility to choose and access competing desktop search products. Microsoft has promised to deliver the required changes in a beta Service Pack 1 of Windows Vista, which Microsoft currently anticipates will be available by the end of the year.

The attorney general announced the agreement in conjunction with Microsoft, the United States Department of Justice and Plaintiffs in the New York Group (including New York, Ohio, Illinois, Kentucky, Louisiana, Maryland, Michigan, North Carolina, and Wisconsin) and the California Group (including California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Minnesota, Utah, and the District of Columbia). The changes resolve complaints lodged against Microsoft under the California Group’s Final Judgment from November 2002.

The agreement is reflected in the attached joint status report, filed today in the federal district court in Washington D.C. The Final Judgment is also attached. The Judge is Colleen Kollar-Kotelly.

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Frequently Asked Questions

What Is Vista Desktop Search?

The desktop search function, referred to as “Instant Search” in Microsoft’s promotional materials, allows users to enter a search query into a text box and receive a list of local results that contain the search term. The search functionality relies on an index that is updated whenever files on the computer change. This index allows for a quick return of results because Windows runs search queries against the index to obtain results, rather than having to search every file on the computer every time the user conducts a search.

What is the Conflict Regarding the Vista Desktop Search?

At issue generally was whether the Vista search feature is a “Microsoft Middleware Product,” or in particular, “any functionality . . . first licensed, distributed or sold” after the Final Judgment’s entry in November 2002. Microsoft argued that the functionality existed in previous operating systems and is therefore not a middleware product.

The state contended that Microsoft’s interpretation was incorrect, and that Vista’s desktop search is functionality that did not exist in prior Windows operating systems. For example, MSN Desktop Search, and now Vista, added “word-wheeling,” a feature that displays search results as a person begins to type a search term. Furthermore, Microsoft rewrote the indexer code so that search results for Vista desktop return on an individual user basis, rather than for all the users of the computer.

What is the Agreement?

The California Group, in cooperation with the New York Group and the United States Department of Justice, proposed a solution to Microsoft that will provide users and Original Equipment Manufacturers (OEMs) the flexibility to choose competing desktop search products. Microsoft has promised to deliver the required changes in beta Service Pack 1 of Windows Vista, which Microsoft currently anticipates will be available by the end of the year.