



Antitrust, Microsoft and Technology

Jeffrey S. Jacobovitz

Over the last twenty years, there have been a number of antitrust cases and investigations involving Microsoft Corporation. The United States Department of Justice's Antitrust Division, various states and the European Commission have brought cases and scrutinized the behavior of Microsoft closely.

Professors Andrew I. Gavil and Harry First have recently published a book entitled "The Microsoft Antitrust Cases, Competition Policy for the Twenty First Century". The book traces the extensive history of the litigation involving Microsoft. One of the cases examined is the initial U.S. Antitrust Division action brought against Microsoft in the U.S. District Court for the District of Columbia. AGG partner Jeffrey Jacobovitz represented a proposed intervener in that proceeding and argued on behalf of his client both before Judge Sporkin and the D.C. Circuit (against then Deputy Assistant Attorney General Joel Klein).¹

There are a number of takeaways from the book. They include the fact that:

- the technology universe today is more complex;
- the large technology companies (e.g. Apple, Amazon, Facebook and Google) have all been subject to antitrust scrutiny;
- these technology companies are not being singled out; and
- the antitrust attention these companies are receiving is appropriate and necessary.

See Andrew I. Gavil and Harry First, *The Microsoft Antitrust Cases, Competition Policy for the Twenty First Century*, 328-329 (2014).

¹ Mr. Jacobovitz's representation of I.D.E. Corporation in that action is referred to at page 50, footnote 54.

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