



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

Office of the Secretary

MAR 18 2004

The Honorable Sam Brownback  
United States Senate  
245 North Waco, Suite 240  
Wichita, KS 67202

Attention: Jamie Woodworth

Dear Senator Brownback:

Thank you for your letter to the Federal Trade Commission on behalf of your constituent, Mr. Harlan Wilkerson, regarding the validity of claims of SCO Group, Inc. that it has an intellectual property interest in the Linux operating system. The Commission has been directed by Congress to act in the interest of all consumers to prevent unfair methods of competition and deceptive or unfair acts or practices, pursuant to Section 5 of the Federal Trade Commission Act.<sup>1</sup>

Your correspondence has been forwarded to appropriate Commission staff members, and I can assure you that the information you have provided has received careful consideration. Letters from your constituents provide valuable information that is frequently used to develop or support Commission enforcement initiatives. In determining whether to take enforcement or other action in any particular situation, the Commission may consider a number of factors, including the type of violation alleged; the nature and amount of consumer injury at issue and the number of consumers affected; and the likelihood of preventing future unlawful conduct and securing redress or other relief. As a matter of policy, the Commission does not generally intervene in individual disputes.

We appreciate your interest in this subject. Please let us know whenever we can be of service.

Sincerely,

A handwritten signature in cursive script that reads "Donald S. Clark".

Donald S. Clark  
Secretary of the Commission

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<sup>1</sup> 15 U.S.C. § 45. In addition, although the Commission does not enforce the Sherman Act directly, a violation of the Sherman Act also constitutes an unfair method of competition that in turn violates Section 5 of the FTC Act. *See, e.g., FTC v. Cement Institute*, 333 U.S. 683, 690 (1948).