



Microsoft Appeals Ban on MS Word

Microsoft on August 18 filed an appeal to a judge's ruling that the company's Word application violates a Canadian firm's patent. The ruling would require Microsoft to stop selling its flagship word processor within the United States in 60 days, *InformationWeek* reported on August 19.



Judge Leonard Davis of the U.S. District Court for Eastern Texas ruled that Word violates U.S. patent 5,787,449, which is held by Toronto-based i4i, Inc. The patent describes a "Method and System for Manipulating the Architecture and the Content of a Document Separately from Each Other." In its complaint, i4i claimed that Microsoft infringed on the patent "by making, using, selling, offering to sell, and/or importing in or into the United States, without authority, Word 2003, Word 2007, .NET Framework, and Windows Vista."

Judge Davis ruled that Word "unlawfully infringed" on i4i's patent, and he forbade Microsoft from selling or supporting new copies of Word 2003 and Word 2007 in the United States as of mid-October. Davis also awarded i4i over \$240 million in damages and costs to be paid by Microsoft.

Microsoft pointed out to the U.S. Court of Appeals in Washington, D.C., that "the district court's injunction will inflict irreparable harm on Microsoft by potentially keeping the centerpiece of its product line out of the market for months." Microsoft isn't exaggerating; its Office suite, which includes Word, had worldwide sales amounting to more than \$3 billion in the company's last fiscal year. Even the incredibly wealthy Redmond-based giant would feel that kind of loss.

The judge did give Microsoft a way around the injunction. He noted that it is Word's ability to work with documents containing custom XML, which *InformationWeek* called "a form of the Extensible Markup Language format that businesses create to forge links between their back office data and PC applications like Word," that is the source of the contention. Davis said that Word would be exempt from his ruling if it opened documents in plain text only or if it stripped the custom XML from a document.

This could allow Microsoft to program a patch to alter Word's capabilities, thereby avoiding the ban. But Microsoft heavily invested in the XML format when it changed from its old .doc format to .docx, and going back now is certainly not something to be taken lightly. So many businesses rely on Word, and they will surely suffer from either an outright ban or drastic changes to the program.

Patent law is vital to protecting the interests of those who innovate and create new products. It will be interesting to see how the appeals court weighs this versus the damage that could be done to both



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