

Juror in Microsoft case at peace with decision

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(AP) -- The lone holdout juror who prevented a Utah company from getting as much as \$1.2 billion from one-time rival Microsoft Corp. for alleged antitrust violations says he's at peace with his decision.

Corbyn Alvey, a 21-year-old security guard from Magna, told KSL-TV (<http://bit.ly/ubPwcB>) that he didn't think there was enough evidence presented during the two-month trial in U.S. District Court in [Salt Lake City](#) to support the claims of Provo-based [Novell Inc.](#)

Novell sued Microsoft in 2004, claiming the [software giant](#) duped it into developing the once-popular WordPerfect writing program for Windows 95 only to pull the plug so Microsoft could gain market share with its own product. Novell says it was later forced to sell WordPerfect for a \$1.2 billion loss.

"I walk away feeling honestly myself, and I can't speak for the other jurors, that I made the right decision even if it resulted in a hung jury," Alvey said Saturday. "There were so many inferences that needed to be drawn that I felt that it was unfair to Microsoft to go out on a limb and say, `yes.'"

Alvey described the three days of jury deliberations as stressful. The 11 other jurors sided with Novell.

"Obviously, I wanted to convince them to agree with me and they wanted to convince me to agree with them," he told KSL.

[Bill Gates](#) testified last month that he had no idea his decision to drop a tool for outside developers would sidetrack Novell. Gates said he was acting to protect Windows 95 and future versions from crashing.

Novell argued that Gates ordered Microsoft engineers to reject WordPerfect as a Windows 95 word processing application because he feared it was too good.

Alvey said the jury agreed on the technical aspects of the case but disagreed on what Novell could have accomplished "but for" Gates' decision.

"There was a lot of speculation in this `but for' world," he said.

As for Gates' testimony, Alvey said, "The man was a little sarcastic at times. If anything, it provided a little break from the monotonous questions and answers ... I think from his testimony, what I heard, and what I saw in the emails, Bill Gates was a man who took every threat extremely seriously."

Jury foreman Carl Banks said he tried hard to get a verdict.

"It was a tough case. It was long and it was hard and it was grueling," he said. "We gave it our best shot."

Novell attorneys have said they would seek to retry the case with a new jury. Microsoft said it would file a motion asking the judge to dismiss Novell's complaint for good and avoid a second trial.

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