

Jury deliberates in \$1B lawsuit against Microsoft

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In this Nov. 21, 2011 photo, Bill Gates arrives to testify at the Frank E. Moss federal courthouse in Salt Lake City. Closing arguments are set Tuesday Dec. 13, 2011 in a \$1 billion federal antitrust lawsuit against Microsoft Corp. Novell Inc. claims the software giant duped it into working on a new version of the WordPerfect writing program only to withdraw support months before Microsoft's Windows 95 was released. Novell claims it was later forced to sell WordPerfect for a \$1 billion loss. (AP Photo/Jim Urquhart, File)

(AP) -- Jurors deliberating Wednesday in a Utah company's \$1 billion federal antitrust lawsuit against Microsoft Corp. appeared confused, sending at least five questions to the judge, one of which couldn't be answered.

Novell Inc. sued Microsoft in 2004, claiming the Redmond, Wash.-based technology giant duped it into developing a version of its WordPerfect

writing program for Windows 95 only to pull the plug so Microsoft could gain market share with its own word program.

Jurors started deliberating at about 8:45 a.m. Wednesday and didn't go home until about 7:45 p.m., the Salt Lake Tribune reported. They'll resume their discussions Thursday.

During the day, the judge received notes from the panel seeking clarification on some of the technical testimony throughout the two-month trial.

One message so baffled U.S. [District Judge](#) J. Frederick Motz that he told [jurors](#) to simply disregard their own question in deliberations.

Tensions were high among lawyers waiting for what could be an enormous verdict. Novell is seeking up to \$1.3 billion from Microsoft.

If the jury rules against Novell, its attorneys will have little to show for a decade of effort.

Throughout the trial, Novell lawyers argued that because its office products worked on multiple operating systems, Microsoft's snub of WordPerfect for Windows 95 was an illegal effort to maintain its monopoly.

Microsoft countered that it had valid business reasons to deny WordPerfect a set of software tools that threatened to crash new Windows technology. They say Novell could have worked around the problem but moved too slow.

Microsoft says Novell's ensuing loss of market share was its own doing because the company didn't develop a compatible WordPerfect program until long after the Windows 95 rollout. WordPerfect once had nearly 50

percent of the market for word processing, but its share quickly plummeted to less than 10 percent as Microsoft's own Office programs took hold.

"Novell was late. It was always behind. It was playing catch-up," Microsoft attorney David Tulchin said during closing arguments Tuesday.

Microsoft co-founder Bill Gates testified last month that he had no idea his decision to drop a tool for outside developers would sidetrack Novell. He denied Novell's claim that Microsoft intentionally deceived the company.

Gates also said Novell just couldn't deliver a compatible WordPerfect program in time for the rollout, and that Microsoft's own Word program was actually better. He said that by 1994, the Word writing program was ranked No. 1 in the market, above WordPerfect.

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

Novell's lawsuit is the last major private antitrust case to follow the settlement of a federal antitrust enforcement action against Microsoft more than eight years ago. The trial began in October in federal court in Salt Lake City.

Novell is now a wholly owned subsidiary of The Attachmate Group, the result of a merger that was completed earlier this year.

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