

InfoTech: Court finds Microsoft infringed XML patent

A Texas court has awarded Canadian software company i4i almost USD300 million in damages, interest and costs - and enjoined Microsoft from the continued use of aspects of XML in its WORD product range.

The case revolves around US patent number 5,787,449 granted in 1998 relating to "custom XML."

XML is an open source standard. But i4i developed a proprietary enhanced version.

OpenOffice.Org uses XML format but, although Microsoft put the format into its Word 2003, it was not until Word 2007 came along that the DOCX format began to make widespread appearance. If you've had trouble opening Word files in the past couple of years, it's often been because users have saved their documents in DOCX format and your own filters have not been set up to recognise that.

The injunction has very narrow application: first, it applies to Word 2003, 2007 and any word processing substantially derived from them. It does not, then, apply to the use of XML in any other product. It does not apply to any document which contains custom XML but which opens as a text file - only to those that open as an XML file. Further, it does not apply to any file which, when opened, strips away any custom XML.

Also the decision has application only in the USA.

But it has an interesting feature: Microsoft is banned from

- Instructing or encouraging anyone to use any Infringing and Future Word Products to open an XML file containing custom XML;
- Providing support or assistance to anyone that describes how to use any infringing and Future Word Products to open an XML file containing XML; and

- Testing, demonstrating, or marketing the ability of the Infringing and Future Word Products to open an XML file containing custom XML."

(source: judgment)

However: there is a saving for users of existing product:

"This injunction further does not apply to Microsoft providing support or assistance to anyone that describes how to use any of the infringing products to open an XML file containing custom XML if that product was licensed or sold before the date this injunction takes effect."

That date is 60 days from the making of the judgment, which was 11 August 2009.

Although the decision is expressed to be a Final Judgment, it was heard in the District Court. The hearing was an appeal against an order in favour of i4i on 20 May. However it remains open to Microsoft to appeal the District Court decision.