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Microsoft asks judge to keep Word on the market

Wed Aug 19, 2009 12:31PM EDT

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Microsoft appears to be taking with deadly seriousness the threat that Microsoft Word could be forced off the market in October, following a judgment against it on patent infringement issues over its use of XML.

Filing an emergency motion with the court, Microsoft has asked for a stay of that ruling while Microsoft attempts to remove the functionality that got it in trouble with Canadian software company i4i. In its petition, the company claims that it is "expending enormous human and financial capital to make its best effort to comply with the district court's 60-day deadline," but

implied that the changes it is making to take the software out of violation of i4i's patent could take months.

If Microsoft can't re-engineer Word before October 10, and if the courts don't grant the company a stay of the ruling, the fallout would likely be catastrophic not just for Microsoft but throughout the computer industry. Retailers would be forced to remove packaged copies of Word (and Office) from shelves, and PC makers would have to remove Word from any preinstalled bundles that come with new computers. With Windows 7 rolling out just days after that deadline, the potential mess that could be generated is almost unfathomable.

Meanwhile Microsoft is pursuing other legal avenues to ensure Word remains on the market. It has already challenged the patent in guestion via the U.S. Patent and Trademark Office's appeal system, and Microsoft notes that the USPTO has provisionally rejected that patent following re-examination. It's also challenging the injunction on semi-humanitarian grounds by claiming that consumers will be injured if Word vanishes from the market, even temporarily. And that actually might be the case, considering how popular the word processor is.

And of course, while no one is talking about it publicly, settlement talks are undoubtedly underway as well.

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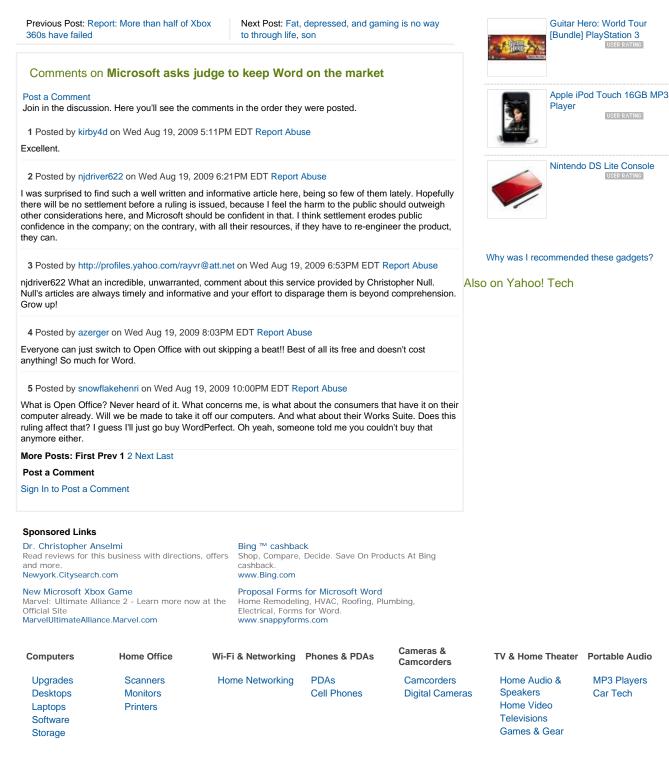


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