

Novell Wraps Up \$1B Case Against Microsoft

Paul Foy, Associated Press

SALT LAKE CITY (AP) — Microsoft Corp. purposely duped a Utah company into believing its writing application would be included in the Windows 95 rollout, then pulled the plug so Microsoft could gain market share with its own product, an attorney said Monday in closing arguments of a \$1 billion antitrust lawsuit against the software giant.

"It was purely a predatory action," Novell Inc. attorney Jeff Johnson told jurors.

Utah-based Novell sued Microsoft in 2004, claiming the Redmond, Wash., company violated U.S. antitrust laws through its arrangements with other software makers when it launched Windows 95. Novell said it was later forced to sell WordPerfect for a \$1.2 billion loss. Novell is now a wholly owned subsidiary of The Attachmate Group, the result of a merger that was completed earlier this year.

The trial began in October in federal court in Salt Lake City.

Microsoft lawyers have argued that Novell's loss of market share was its own doing because the company didn't develop a Windows compatible WordPerfect program until months after the operating system's rollout.

Johnson has conceded that Microsoft was under no legal obligation to provide advance access to Windows 95 so Novell could prepare a compatible version. Microsoft, however, enticed Novell to work on a version, only to withdraw support months before Windows 95 hit the market, he said.

Microsoft co-founder Bill Gates testified last month that the company made last-minute changes to Windows 95 that would have supported WordPerfect because he feared it would crash the operating system.

Gates also said Novell just couldn't deliver a compatible WordPerfect program in time for the rollout, and 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.

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

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