

McKool Smith: Judge Upholds Verdict, Enhances Damages, Issues Permanent Injunction against Microsoft in Patent Infringement Lawsuit

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Press release from: [McKool Smith](#)

DALLAS – The national law firm of McKool Smith is announcing a permanent injunction and total damages and interest of more than \$290 million against software giant Microsoft Corp. (NASDAQ: MSFT) in a Texas patent infringement lawsuit won by Toronto-based technology provider i4i Inc.

The Order and Permanent Injunction were signed today by Judge Leonard Davis of the U.S. District Court for the Eastern District of Texas, Tyler Division. Today's ruling follows a May 20, 2009, verdict of \$200 million after jurors found that Redmond, Wash.-based Microsoft willfully infringed an i4i patent covering a document system that relies on the XML custom formatting function.

During the trial, attorneys from McKool Smith and Tyler, Texas-based Parker, Bunt & Ainsworth successfully argued that Microsoft infringed the i4i patent issued in 1998, U.S. Patent No. 5,787,499, which covers software designed to manipulate "document architecture and content." The software covered by the patent removed the need for individual, manually embedded command codes to control text formatting in electronic documents.

The McKool Smith team representing i4i includes firm principals Douglas Cawley, Gordon White, Jeff Carter, Kevin Burgess, Rosemary Snider, Jill Lynch, and Randy Carter, senior counsel Tom Fasone, of counsel, Alfredo Silva, and associates Sarah Anderson, John Campbell, Austin Curry, Gretchen Harting, Jennifer Henry, Craig Donahue, Martin Robson, and Jonathan Yim. Robert M. Parker from Parker, Bunt & Ainsworth also represented i4i as co-counsel.

In today's order, Judge Davis ruled that Microsoft should pay i4i an additional \$40 million for its willful infringement of the i4i patent. Microsoft also was ordered to pay slightly more than \$37 million in prejudgment interest, including an additional \$21,102 per day until a final judgment is reached in the case. The court also ordered Microsoft to pay \$144,060 per day until the date of final judgment for post-verdict damages. Today's permanent injunction prohibits Microsoft from selling or importing to the United States any Microsoft Word products that have the capability of opening .XML, .DOCX or DOCM files (XML files) containing custom XML. The court is requiring Microsoft to comply with the injunction within 60 days.

McKool Smith is recognized as one of the premier trial law firms in the United States based on significant courtroom victories and substantial settlements for domestic and international clients. With more than 100 attorneys in Dallas, Austin, Marshall, New York, and Washington DC, McKool Smith handles commercial, intellectual property and white collar litigation for companies and individuals, including major airlines, telecommunications companies, medical device manufacturers, oil & gas concerns, and many others. McKool Smith is recognized in The National Law Journal for winning more of the Top 100 Verdicts of 2008 than any other law firm in the country.

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