

# Google, Microsoft goes public with patent spat

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Tech heavyweights Microsoft and Google are acting like a couple of feuding starlets in a public online spat over — wait for it — patents.

It's not the first time Microsoft and Google have gone at each other's throats, nor is it likely the last.

But with Twitter and blog posts, the dispute is playing out in public in a way that wasn't possible in 2005, when lawsuits over an employee Google hired from Microsoft revealed the bitter rivalry between the two.

Now, Google is accusing Microsoft, Apple and others of launching a "hostile organized campaign" against its Android operating system, which runs smartphones that compete with iPhones, BlackBerrys and Windows-based mobile devices.

At issue are thousands of patents from Novell Inc., a maker of computer-networking software, and Nortel Networks, a Canadian telecom gear maker that is bankrupt and is selling itself off in pieces. Last month, a consortium that includes Microsoft Corp., Apple Inc. and Research In Motion Ltd. prevailed over Google Inc. with a \$4.5 billion cash bid for the Nortel patents.

Google lost out after a strange bidding process that included what published reports said was an offer for a billion times the mathematical constant "pi."

"Their response seems to be to whine about the process," technology analyst Rob Enderle said.

Enderle was referring to a scathing blog post by Google Chief Legal Officer David Drummond, who wrote on Wednesday that Microsoft was banding with others to acquire "bogus patents" to make sure Google can't get to them.

"They want to make it harder for manufacturers to sell Android devices," Drummond wrote. "Instead of competing by building new features or devices, they are fighting through litigation."

Not so fast, says Microsoft, which brought the feud to Twitter. There, Microsoft's communications chief, Frank Shaw, posted an image of an email from Google's general counsel, Kent Walker, declining to join Microsoft in the consortium to bid for the patents.

The email was sent to Microsoft's own general counsel, Brad Smith, who also chimed in. Smith wrote to his 2,000-plus Twitter followers that "Google says we bought Novell patents to keep them from Google. Really? We asked them to bid jointly with us. They said no."

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Shaw offered a reason in another Twitter post: "Why? BECAUSE they wanted to buy something that they could use to assert against someone else."

Enderle says it's no secret that Microsoft and Google don't like each other.

Microsoft has banded with another Google rival, Facebook, to include data from the online social network in Microsoft's search engine, Bing. Google can't do that because Facebook erected barriers preventing Google's search engine from indexing all the data on its network.

And earlier this year, Microsoft complained about Google to the European Commission in its first formal antitrust complaint against a rival. Microsoft accused Google of abusing its dominance of online search and advertising.

Then there was the 2005 incident, in which, according to court documents, Microsoft's boisterous CEO, Steve Ballmer, threw a chair and vowed to "kill" Google in an obscenity-laced tirade over the online search leader's hiring of Kai-Fu Lee. Lee helped develop Microsoft's MSN Internet search technology, including desktop search software rivaling Google's. He left the company that July after Google offered him a \$10 million compensation package. He has since left Google, too.

So far, the patent feud has lacked obscenities, at least in public.

But the verbal tirade continued Thursday when Drummond updated his blog post to say that Microsoft is trying to divert attention from the real issue and push a "false 'gotcha!'" instead.

"Microsoft's objective has been to keep from Google and Android device-makers any patents that might be used to defend against their attacks. A joint acquisition of the Novell patents that gave all parties a license would have eliminated any protection these patents could offer to Android against attacks from Microsoft and its bidding partners," he wrote.

Enderle says Google needs to grow up, and part of that process is that "they've got to get through the whining stage."

Google had the chance and refused to participate. Now, it is calling the process unfair, Enderle said, "which is something you can do as a little company but probably not when you yourself are a multinational."

Google did not immediately respond to a message for comment. Microsoft's Shaw didn't have a comment beyond what he tweeted.

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